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THE UNITED STATES AND MEXICO

1821—1848

A HISTORY
OF THE RELATIONS BETWEEN THE TWO COUNTRIES
FROM THE INDEPENDENCE OF MEXICO
TO THE CLOSE OF THE WAR
WITH THE UNITED STATES

BY

GEORGE LOCKHART RIVES

VOLUME I

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THE UNITED STATES AND MEXICO

1821—1848

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PREFACE

THE events which led up to the war between the United States and Mexico, with all its momentous consequences to both nations, have been very generally misapprehended. On the American side the war has been treated in histories of the United States as a mere episode in an all-embracing struggle over slavery, which it was not. Mexican historians have treated it as the unescapable result of American aggression in Texas, which it was not. But each of these views embodies a sort of half-truth, and it becomes therefore both difficult and important to disentangle the whole truth.

Until very recently a thorough study of the relations between the two countries from the time Mexican independence was achieved down to the treaty of Guadalupe Hidalgo, was not possible.

In the first place, the mere fact of the existence of negro slavery in the United States imparted an element of intense bitterness into every discussion of the subject in this country. The North hated and dreaded the extension of slavery, and even before the Mexican War was over the fear that the newly acquired territories—New Mexico and California—might becomes slave states, gave rise to passionate debates which continued until the breaking out of the Civil War. Thereafter the prejudices and passions which were awakened or inflamed by four years of murderous warfare prevented an impartial view until the generation which had so effectually dealt with slavery had nearly passed away.

In the second place, no complete account could ever have been written without a knowledge of the diplomacy of those countries whose interests were chiefly affected; and it is only within a comparatively short time that the archives of the United States, Mexico, Great Britain, and Texas have been thrown open freely for examination.

It has been my object to present a consecutive narrative of the events which culminated in war in 1846 and peace in 1848. In doing so it has seemed necessary to digress in various directions, as, for instance, in relating the French seizure of Vera Cruz and the controversy with Great Britain over Oregon. It also has seemed necessary to give the story of the Mexican War itself in some detail, although it has been far from my purpose to attempt the writing of a military history. That can hardly be well done by any but a professional soldier, and, moreover, the naval and military operations described in these pages—whether in the strife of Mexican revolutions, or in the contests between Mexico and Texas, or in the French bombardment of San Juan de Ulúa, or in the war between the United States and Mexico—were carried on with weapons and means of communication and transportation so completely obsolete at the present day, that it is doubtful whether a detailed study of such minor events could be of much real importance.

On the other hand, it is not doubtful that some lessons of extreme importance may be drawn from a study of our dealings with the nearest of our Latin-American neighbors. We have not always been fortunate in our conduct toward the other nations of this hemisphere, and our failures have, as I think, been chiefly due to our ignorance. We have not fully grasped the fundamental truth that our southern neighbors are of an utterly alien race, whose ideals and virtues and modes of thought and expression are so radically different from ours that we have lacked the sympathetic insight which comes only with perfect comprehension.

Newport, R. I.,
June, 1913.

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THE UNITED STATES AND MEXICO

CHAPTER I

THE FLORIDA TREATY

The country we now know as Mexico was formerly a part of that great and famous kingdom of New Spain which was conquered by stout Cortés, and which for nearly three centuries was held under an unrelenting and iron rule by a long succession of Spanish viceroys. The people of the kingdom in the first quarter of the nineteenth century rose in revolt, and after a tedious and doubtful and bloody struggle succeeded in establishing their independence. From the earliest years of their separate existence as a nation they were necessarily brought into close contact with their ambitious neighbors on the north, and it is the purpose of this book to trace the course of the relations between the two countries until these relations were interrupted by war, and then re-established after the loss by Mexico of more than half her territory.

The relations between the United States and Mexico could hardly be regarded as a continuation or development of those which had existed for a generation between the United States and Spain. Foreign intercourse with the Spanish possessions was, in general, sedulously restricted under the colonial policy of the mother country; and therefore, out of all the many and varied controversies which vexed the American and Spanish governments, but a single one related directly to the kingdom of New Spain. That one, however, was of great magnitude, for it involved nothing less than the ownership of Texas.

It was at first asserted on the one hand, and denied on the other, that Texas was, of right, a part of Louisiana, and that it had therefore been included within the boundaries of the great purchase from France in 1803; but after long and acrimonious discussions the United States, in 1819, in the treaty by which it acquired Florida, ceded to Spain and renounced forever all its "rights, claims, and pretensions" to Texas. This cession was criticised at the time; and the belief persisted for many years that the American government had recklessly given away a vast and fertile territory. It was inevitable that such a belief should seriously influence the subsequent course of events, and it is therefore necessary to inquire, at the outset of this narrative, whether the United States ever really possessed any such title to Texas as was capable of being given away. Whatever that title was, it necessarily depended upon the grant contained in the Louisiana treaty of 1803; and the question in debate always came back to this: *Was Texas, or any part of it, included in what was formerly called Louisiana?* [1]

The French title to Louisiana had come through discoveries made by her subjects. Starting from Canada, they had explored the Mississippi and its head-waters and had ultimately descended the stream to its mouth. Subsequently Mobile and New Orleans were occupied, colonies were planted, and permanent possession was maintained of posts on both banks of the Mississippi. Both banks of the Red River were also occupied for some distance back from the point where it emptied into the Mississippi. These notorious facts, it was generally conceded, gave France title to the whole of the Mississippi valley, except perhaps where actual occupation might have secured small portions for British settlers, and the French title continued until it was extinguished by the cessions to Great Britain and Spain in 1762 and 1763.

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[1] This question has recently been re-examined, and much light thrown upon it from the French and Mexican archives and the records of the Texan missions. Reference may in particular be made to *La Louisiane sous la Compagnie des Indes*, by P. Heinrich; "The Beginnings of Texas," by R. C. Clark, in *Tex. Hist. Quar.*, V, 171–205; "Louis Juchereau de Saint-Denis," by the same author, in *Tex. Hist. Quar.*, VI, 1–26; "Was Texas a Part of the Louisiana Purchase?" by John R. Ficklen, in *Publications of Southern Hist. Assn.*, V, 351–387; "The Louisiana-Texas Frontier," by I. J. Cox, in *Tex. Hist. Quar.*, X, 1–75.

Spain's title to her possessions in the New World rested, in the first place, upon the universally recognized basis of discovery and occupation; and, in the second place, upon the papal bull of May 4, 1493, in which Alexander VI—acting, as he asserted, by divine authority—gave, granted, and assigned to Ferdinand and Isabella and their heirs and assigns the whole of North America and the greater part of South America, and all the islands "discovered and to be discovered" in that quarter of the globe.[1] The official Spanish view was therefore that the French and all other settlers in North America were mere trespassers; and although the Spanish government made no effectual attempts to disturb the English, French, or Dutch colonies farther north, it did prevent by force of arms, up to almost the end of the seventeenth century, any foreign settlements in Florida or on the coasts of the Gulf of Mexico.

As early as 1519 the shores of Texas were explored by Alonso Alvarez de Pineda.[2] Sixteen years later Alvar Nuñez Cabeza de Vaca and three companions, having escaped from captivity among the Indians and wandered across the interior, by some extraordinary good fortune made their way to the Spanish settlements on the Pacific coast.[3] Between 1540 and 1543 Francisco Vásquez de Coronado and Hernando de Soto may have visited parts of the present state of Texas.[4] And during the next hundred and forty-four years several expeditions from New Mexico visited the country, unvexed as yet by rival explorers.[5]

But the earliest attempt at a permanent settlement was made by the French. Robert Cavelier de la Salle, a native of France and a resident of Canada, had been the first to descend the Mississippi to its mouth, a feat he accomplished in 1682; and it was easy for him, when he returned to France, to convince Louis XIV and his ministers of the advantages that might be drawn from the discovery. A colony on the shores of the Gulf of Mexico, directly connected with the north by navigable rivers which were only separated from the Great Lakes by short and easy portages, would at once convert the whole interior of the North American continent into French territory. The English colonies would be hemmed in and pressed back upon the sea. The Spanish possessions would be directly menaced. The Spanish monopoly of trade, that treasure which the Spaniard guarded as a vigilant dragon his golden fleece,[1] would be broken up. And accordingly, in 1684, an expedition was fitted out under La Salle which was to proceed from France directly to the Gulf of Mexico and seize a post near the mouth of the Mississippi, where forts were to be erected and Indians enlisted—all with the ultimate view of descending upon the rich silver mines of New Spain.

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[1] "*Auctoritate Omnipotentis Dei nobis in Beato Petro concessa, ac Vicariatus Jesu-Christi quo fungimur in terris . . . tenore praesentium donamus, concedimus et assignamus, vosque et haeredes, ac successores*," are the words of the granting clause.—(Navarrete, *Viages*, II, 32.)

[2] Navarrete, *Viages*, III, 64.

[3] Bancroft, *North Mexican States and Texas*, I, 60–67. And see "The Route of Cabeza de Vaca," by Judge Bethel Coopwood, in *Tex. Hist. Quar.*, III, 108, 177, 229; IV, 1.

[4] Bancroft, *North Mexican States and Texas*, I, 85, 381.

[5] For a good summary of the various expeditions, see Herbert E. Bolton's "Early Explorations of Texas," in *Southwestern Hist. Quar.*, XVI, 1–26.

The attempt ended in tragic failure. The ships—probably by some error in navigation, which was conceivable enough in the days when longitude could only be guessed at—held their way into the Gulf of Mexico, but far to the westward of the mouth of the Mississippi. Instead of Louisiana they reached Texas. On the shores of what is now called Matagorda Bay, in February, 1685, a landing was effected, and upon one of the streams falling into the bay a rude stockade was built.[2] Misfortunes followed fast. One of the ships had been taken some months previously by the Spaniards, one was sent back to France, and the two remaining were stranded, and proved total wrecks. Bitter quarrels broke out among the colonists. Some of the party were killed by the Indians, some were lost by drowning or other accidents, and many perished of disease. By the end of the year 1686 fully three-fourths were dead. No help had come from France, and there were no means of returning thither. The last desperate resource was an attempt to reach the Canadian settlements overland, and in January, 1687, a party, about twenty in number, headed by La Salle himself, set out on the northward journey.

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[1] "The policy of Spain doth keep that Treasury of theirs under such lock and key, as both confederates, yea and subjects, are excluded of trade into those countries, . . . such a vigilant dragon is there that keepeth this golden fleece."—(Sir Francis Bacon in the House of Commons, June 27, 1607, quoted in Brown's *First Republic in America*, 17.)

[2] The French called the bay St. Bernard; the stockade was Fort St. Louis. For the precise location of the French fort, see *Tex. Hist. Quar.*, XV, 58.

In the autumn of that year six broken men reached the French post near the mouth of the Illinois. La Salle and three of his companions had been murdered by others of the party, one man had been drowned, and several had fallen into the hands of the Indians.[1]

The settlement on the Gulf held out until nearly the end of February, 1689, in spite of pestilence and famine; and then the Indians fell upon the feeble survivors, and the French attempt at a settlement in Texas was at an end. Of those who had landed four years before, almost all were dead. Besides the six men who had found their way to the Illinois River, four boys and a girl had been saved by Indian women from the massacre, and a few deserters had voluntarily taken up life among the Indian tribes.

In the meantime, while the poor wretches who had accompanied La Salle were slowly dying in the wilderness, the colonial authorities of New Spain were trying to discover them. The capture of one of the French ships had given warning of an attempt to form a settlement somewhere on the coast of the Gulf of Mexico; but though expeditions were sent out by sea and land, no French settlement could be found. At length, in April, 1689, a Spanish force from Coahuila came upon the wreck of the French fort, and picked up here and there among the Indian huts the miserable survivors of La Salle's fatal attempt. These men were all sent as prisoners to the city of Mexico.[2]

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[1] Parkman's *La Salle and the Discovery of the Great West* gives a full account of the adventure.

[2] An interesting account, written by a member of this expedition, will be found in *Historia de Nuevo León*, 313–342 (Garcia, *Documentos Inéditos*, XXV).

The Spanish authorities, however, were not content with merely ascertaining the fact of the destruction of the French settlement. They determined to explore and settle Texas themselves in order to forestall any future attempts by foreigners, and two missions were established as early as 1690. It seemed as though Texas was to be permanently occupied at last; but the Indians proved restless and thievish and not amenable to missionary influences; there was neither gold nor silver in the country; there was no monetary return for the expense of maintaining friars and soldiers, and the viceroy of New Spain decided that colonization should be postponed until the natives showed a better disposition. Accordingly, in 1693, the Texan missions were abandoned.

Other nations did not postpone pushing their colonies forward until the natives were ready to welcome them, and during the next twenty years, while the English colonies were slowly coming to maturity, France was busy laying the foundations of an empire at Mobile and New Orleans, and in improving the means of communication between Canada and the Gulf of Mexico.

Late in 1714 Lamothe-Cadillac, then governor of Louisiana, conceived the idea of attempting to import cattle from the Mexican settlers on the Rio Grande, and thus establishing a trade by land which was prohibited by sea. For this purpose he sent a certain Louis Juchereau de Saint-Denis, a Canadian by birth, from the Red River across Texas. With not more than about a dozen white men, Saint-Denis safely accomplished his journey, and in February, 1715, presented himself at the first Spanish post he found on the Rio Grande. The apparition of a foreigner on the soil of a remote Spanish colony was an unheard-of and disturbing event, and the astonished commander of the *presidio* at once put the whole party under arrest, and referred the case to his superior officers. Under their instructions the companions of Saint-Denis were sent back to the Red River, while he himself was carried to the city of Mexico. After he had been fully interrogated as to his purposes, the viceroy solemnly determined that it was essential to take active steps to check any further advance by the French, and that missions should be established along the frontier so as to win over the Indians, while keeping a close watch on the Louisiana settlements.

An adequate expedition was accordingly fitted out under the command of Captain Domingo Ramon, and Saint-Denis willingly agreed, for a suitable compensation, to serve as its chief guide. In April, 1716, the Rio Grande was crossed. The weather was fine; the country was an open prairie; the Indians seemed friendly; and, travelling by easy stages, the whole company by the latter part of June reached the valley of the Neches, in the extreme eastern part of what is now the state of Texas. In this neighborhood four missions were planted in the summer of 1716. Later in the year two more were established farther east—one of them, among the Adaes Indians, lying far within the present state of Louisiana, and not more than about twenty miles from the French frontier post at Natchitoches. The French made no protest; they only strengthened their Natchitoches "fort."

The original expedition of Saint-Denis had not been in any sense an attempt to plant the French flag south or west of the Red River. Its sole object, real as well as ostensible, was to try to open a trade with the Mexicans; and both Saint-Denis himself and his superiors acquiesced, as we have seen, in the Spanish occupation of the entire territory from the Rio Grande to a point between the Red and the Sabine rivers. Nor was any serious effort ever made afterward by the French to take permanent possession of any part of Texas.

The short war of 1719 certainly offered France a new and excellent opportunity of seizing Texas if she had wished to do so; but the opportunity was not availed of. A force from Natchitoches did indeed take possession of the mission of los Adaes, whereupon the Spaniards withdrew from all their eastern posts, and fell back to Béxar. The French followed perhaps as far as the Trinity River, and after they or their Indian allies had burned the Spanish missions, they withdrew to Natchitoches.

They also sent an exploring expedition up the Red River and established a post among the Nassonite Indians at a point which, the Spanish authorities asserted, was within the jurisdiction of New Mexico. But except this, and the short raid above referred to, the French made no attempts on Texas during the continuance of that war.[1]

At the end of the war an occasion arose for a diplomatic settlement of the questions at issue; but again it was not availed of: When the terms of a treaty of peace were under discussion, the French envoys were instructed to ask for a definition of the boundaries of Louisiana. On the west, the Rio Grande was to be suggested; but if, as was likely, the Spaniards would not consent to this, then the Bay of St. Bernard might be accepted as a compromise. This bay, it was pointed out, was that at which La Salle had landed, "*ce qui prouve qu'il nous appartient de droit.*" The Spanish King, however, flatly refused to discuss the subject. His chief desire was that Pensacola, which the French had taken during the war, should be restored, and in the end the question of boundaries was dropped, the French government being too desirous of securing the Spanish alliance to haggle over details. The treaty of March 27, 1721, therefore, contained only a clause providing for the restitution to the King of Spain of all the territories, coasts, and bays situated in America which had been occupied by the French during the war. A similar provision was inserted in the first of the secret articles of the treaty of alliance of June 13, 1721, between Spain, France, and Great Britain.[2]

These treaties, by their failure to define the boundaries of the Spanish possessions, still left open the question as to the ownership of Matagorda Bay, the scene of La Salle's misfortunes, to which the French diplomatists had asserted an "irrevocable" right. As the colonial authorities of Louisiana were eager to extend their jurisdiction, upon a convenient rumor that the English were desirous of taking possession of the bay, a small expedition was sent there by sea, under the command of Bénard de la Harpe. On August 27, 1721, he landed with a few men somewhere on the Texan coast—probably near Galveston. He found the country extraordinarily fine and fertile, and he heard of no Spaniards in the neighborhood. The Indians, however, were too hostile to justify La Harpe in running the risk of settling among them with his little force; and after a sojourn of only ten days, he set sail again for Louisiana.[1]

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[1] Heinrich, *La Louisiane sous la Compagnie des Indes*, 104–108.

[2] *Ibid.*, 79. The despatches of the French ambassador in Madrid showing the course of the negotiations are very fully quoted (*ibid.*, 72-80).

Although he had not felt strong enough to carry out his attempt at re-establishing La Salle's colony, La Harpe himself remained more than ever convinced of its importance; but notwithstanding his urgent representations of the "infinite consequence" of taking possession of the Bay of St. Bernard, the authorities in France remained sceptical. It was doubtless, they said, a fine country, and easy to cultivate, but they were in no condition to support so distant a post, and at the close of 1721 positive orders were sent directing that the enterprise should be abandoned.[2]

Meanwhile the Spaniards, on their side, were not idle. In the autumn of 1720 an expedition on a considerable scale, under the command of the Marquis de Aguayo, was sent out with instructions to take possession of Matagorda Bay and to re-establish the missions which had been abandoned during the war. The plan was to send married soldiers and settlers, the latter to include a proportion of mechanics and craftsmen. But although the settlers were to be paid wages for two years in advance, and were to receive grants of land in Texas, only seven families volunteered, and the rest of the expedition, exclusive of the friars who were to serve the missions, was chiefly recruited from the jails of the different Mexican cities.

In the spring of 1721 the expedition was divided, a small detachment being sent to take military possession of the shores of the bay; and a year later a presidio having, we are told, four bastions and a tower was erected on the precise site of La Salle's fort. The main body of the expedition, marching east from Béxar (San Antonio) and refounding missions as it went, crossed the Sabine late in August of the same year. Not only was the mission of San Miguel de los Adaes re-established, but on a neighboring hill the spacious presidio of Nuestra Señora del Pilar, mounting six fieldpieces and manned by a garrison of a hundred men, was constructed. The mission and fort lay seven leagues from Natchitoches and about one league from the Laguna de los Adaes (Spanish Lake); and although the precise spot is not now exactly ascertainable, it was certainly many miles east of the Sabine River.

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[1] *Ibid.*, 116–118; Margry, *Découvertes et Etablissements des Français dans l'Amérique Septentrionale*, VI, 320–347.

[2] Heinrich, 119.

The French officer in command at Natchitoches and Bienville, the new governor of the colony of Louisiana, protested; but they offered no real opposition to the Spanish establishment, and both parties settled down to a sort of tacit understanding by which the Arroyo Hondo, a small stream crossing the road from Natchitoches to the Sabine, was regarded as marking the boundary between the French and Spanish possessions.[1]

The precise line of demarcation was never looked upon as a matter of practical importance. Neither party formally surrendered claims which might perhaps serve as useful grievances in the future, and orders were sent from time to time to the commanding officers of the frontier post directing them to resist encroachments. But no orders were ever given, after the close of the war in 1721, to push forward on either side, and an excellent understanding was thus kept up. It was, of course, the duty of the Spanish officials to prevent all commerce; but "contraband trade with the French

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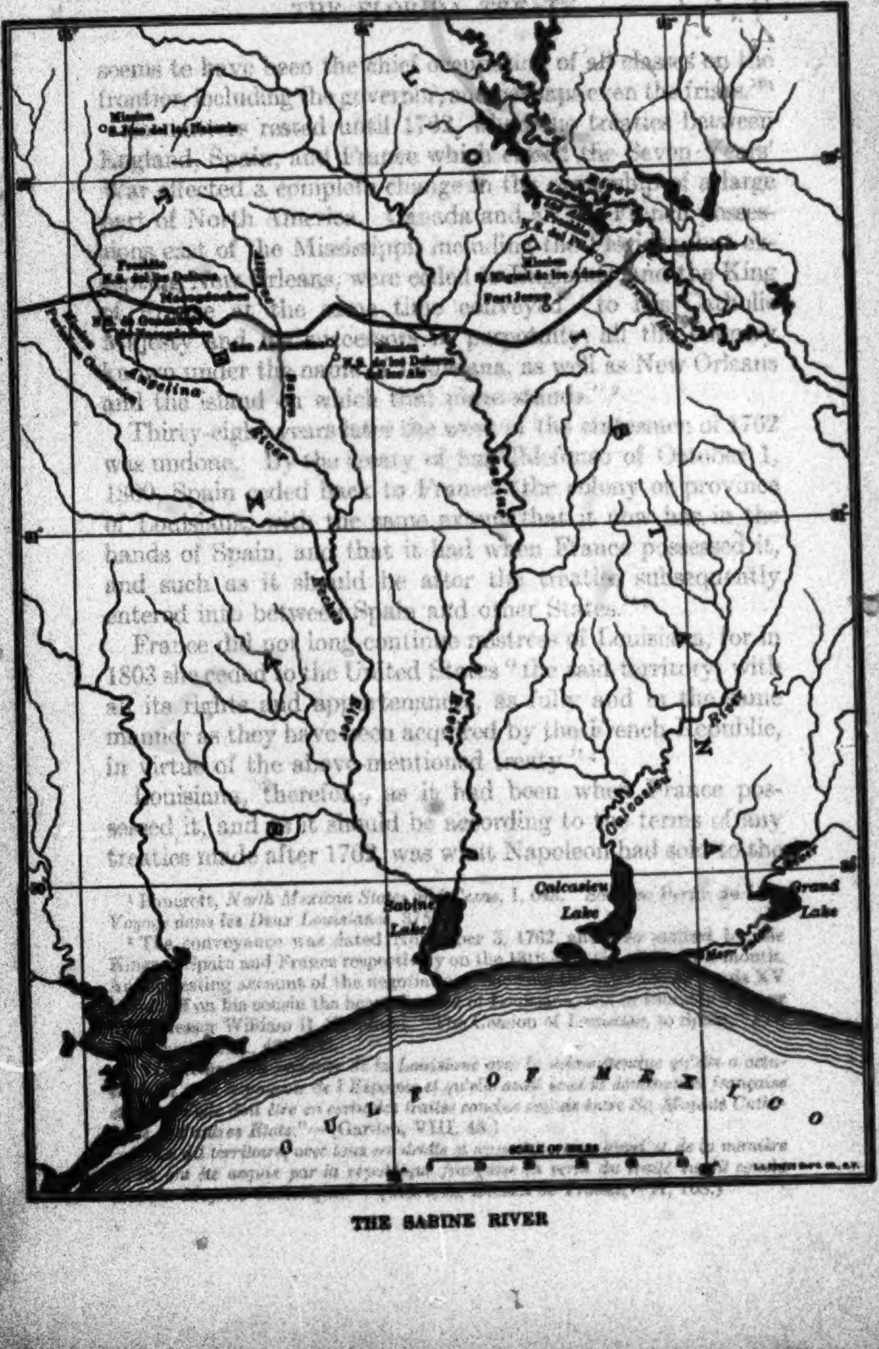
[1] See "The Aguayo Expedition into Texas and Louisiana, 1719-1722," by Eleanor Claire Buckley, in *Tex. Hist. Quar.*, XV, 1-65. This author fixes the site of the mission of the Adaes and the presidio of Pilar as being "near the present town of Robeline, Louisiana." For further information as to the location of the presidio and as to the general topography of the region between the Red River and the Sabine, see note to Coues's edition of *The Expeditions of Zebulon M. Pike* (N. Y., 1895), II, 713, and the maps accompanying the same work.


Mission
Presidio
Nacogdoches
Angelina River
San Augustine
Mission
S. Miguel de los Adaes
Fort Jesup
Neches River
Sabine River
Calcasieu River
Sabine Lake
Calcasieu Lake
Grand Lake
G U L F O F M E X I C O
SCALE OF MILES

THE SABINE RIVER

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[1] [illegible] The Aguayo Expedition into Texas and Louisiana, 1719 [illegible] Claire Buckley, in *Tex. Hist. Quar.*, XV, [illegible] the mission of the Adaes and the presidio of Pilar is [illegible] present town of Robeline, Louisiana. For further information as to the location of the presidio and as to the general topography of the region between the Red River and the Sabine, see note to Coues's edition of *The Expeditions of Zebulon M. Pike* (N. Y., [illegible]), and the maps accompanying the same work.

So matters rested until 1762, when the treaties between England, Spain, and France which closed the Seven Years' War effected a complete change in the ownership of a large part of North America. Canada and all the French possessions east of the Mississippi, including the Floridas, but excepting New Orleans, were ceded to England; and the King of France at the same time conveyed "to His Catholic Majesty and his successors in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island on which that place stands."[2]

Thirty-eight years later the work of the statesmen of 1762 was undone. By the treaty of San Ildefonso of October 1, 1800, Spain ceded back to France "the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States."[3]

France did not long continue mistress of Louisiana, for in 1803 she ceded to the United States "the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty."[4]

Louisiana, therefore, as it had been when France possessed it, and as it should be according to the terms of any treaties made after 1762, was what Napoleon had sold to the

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[1] Bancroft, *North Mexican States and Texas*, I, 643. See also Perrin du Lac, *Voyage dans les Deux Louisianes*, 375.

[2] The conveyance was dated November 3, 1762, and was ratified by the Kings of Spain and France respectively on the 13th and 23d of the same month. An interesting account of the negotiations, showing the eagerness of Louis XV to put off on his cousin the heavy burden of Louisiana, will be found in a paper by Professor William R. Shepherd, "The Cession of Louisiana to Spain," *Pol. Sci. Quar.*, XIX, 439–458.

[3] "*La colonie ou province de la Louisiane avec la même étendue qu'elle a actuellement sous le pouvoir de l'Espagne et qu'elle avait sous la domination française et telle qu'elle doit être en vertu des traités conclus depuis entre Sa Majesté Catholique et d'autres Etats.*"—(Garden, VIII, 48.)

[4] "*Le dit territoire, avec tous ses droits et appartenances, ainsi et de la manière qu'ils ont été acquis par la république française en vertu du traité susdit conclu avec Sa Majesté Catholique.*"—(Martens, *Recueil de Traités*, VII, 708.)

United States; but Livingston and Monroe, before they signed the treaty, had asked in vain for some intelligible and precise definition of this great territory. They were told in effect that they had made a noble bargain and that they would doubtless make the best of it; and with that reply they had to be content. The fact was, of course, that the American agents had asked a question to which no definite answer was possible. No doubt some statement could easily have been made setting out the results of treaties affecting the eastern boundaries of the old French possessions; but there were no treaties that affected their southern or western boundaries, and no man could undertake to declare what was the extent of the colony or province of Louisiana when France possessed it. Every spot to which a French trapper had wandered or on which a French colonist had built a hut was, or might be claimed to be, French territory.

Nevertheless the French government, though it did not choose to take Livingston and Monroe into its confidence, had previously formulated for its own eventual and exclusive use a tolerably precise declaration as to the starting-points which it meant to claim for the boundary west of the Mississippi. In secret instructions issued to the French commander in Louisiana the pretensions he was to assert were clearly and concisely stated.

> "The extent of Louisiana," he was told, "is well determined on the south by the Gulf of Mexico. But bounded on the west by the river called Rio Bravo from its mouth to about the 30° parallel, the line of demarcation stops after reaching this point, and there seems never to have been any agreement in regard to this part of the frontier. The farther we go northward, the more undecided is the boundary. This part of America contains little more than uninhabited forests or Indian tribes, and the necessity of fixing a boundary has never yet been felt there."[1]

In the light of our present knowledge of the facts, it is perfectly apparent that the French pretensions were ridiculous and unwarranted. Except as a prisoner, no Frenchman had ever even seen the Rio Bravo, or been within two hundred miles of it; and except for the brief and surreptitious occupation by La Salle's colony and the short-lived raids in 1719 and 1721, no Frenchman had ever been in possession of any post within four hundred miles of that river. Moreover, the above instructions clearly implied that there had been some agreement as to a boundary along the Rio Grande from its mouth to "about the 30° parallel." This was a deliberate *suggestio falsi*. There was never any agreement of the kind.

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[1] *Instructions Secrètes pour le Capitaine-Général de la Louisiane*, 5 frimaire, an XI (November 26, 1802); quoted in Adams's *History of the U. S.*, II, 6. A literal translation of the entire letter is printed in Robertson's *Louisiana*, I, 350–358.

When Jefferson's administration learned that the boundaries of their new purchase were left so vague, their course seemed plain. The straightforward mode of dealing was evidently a proposal to Spain to fix the line by agreement; and instructions were accordingly sent to Monroe to proceed from Paris to Madrid and to join with Charles Pinckney, the American minister in Spain, in an effort to adjust the matter.[1] These instructions were dated July 29, 1803, but when they reached Paris, the irritation of Spain over the palpable bad faith of France in the business of Louisiana was so great as to make any overtures at that time obviously useless.

However, in April, 1804, renewed instructions were sent to Monroe, directing him to take up the Spanish negotiation, after first ascertaining the views of the French government. The main objects were stated to be the acquisition of the Floridas (which Great Britain had ceded to Spain in 1783) and the settlement of spoliation claims; but the boundary west of the Mississippi was also to be adjusted. As to this, Monroe was informed that "in one of the papers herewith transmitted, you will see the grounds on which our claim may be extended even to Rio Bravo," but that line was not to be insisted on. As a concession to Spain, a proposition for a neutral zone might be made, under which American settlements would be prohibited for a term of years west of the Sabine. In later instructions, of July 8, 1804, greater

[1] *Amer. St. Papers, For. Rel.*, II, 626.

stress was laid on the Texan boundary. The President, so the envoys were informed, was "not a little averse to the occlusion, for a very long period, of a very wide space of territory westward of the Mississippi, and equally so to a perpetual relinquishment of any territory whatever eastward of the Rio Bravo." Nevertheless, the degree to which the envoys were to insist on these points was to be regulated by what they learned "of the temper and policy of Spain."[1]

Monroe and Pinckney were not long left in doubt as to either the temper or the policy of the Spanish government. Talleyrand made no secret of his opposition to any further extension of the territory of the United States; and Godoy, who was still for a few months to remain the real ruler of Spain, was wholly subservient to France and immovable in the face of any threats which the American diplomatists were in a position to put forward. Monroe reached Madrid on January 2, 1805. He left it on May 26 of the same year, having failed in every branch of the negotiation with which he was charged.

The relations between the United States and Spain were now at the breaking point. War seemed impossible to avoid, and on both sides such preparations were made along the frontier as were possible in a remote and unsettled country. Early in February, 1806, a small body of American troops from Natchitoches pushed back across the Sabine a Spanish party who were encamped near the old Adaes mission; but in July the Spaniards were back in much greater force. Meanwhile the American War Department had ordered the reinforcement of the post at Natchitoches, and in September General Wilkinson, then commanding in the Mississippi valley, arrived there in person. An exchange of letters with the Spanish officers followed, the result of which was that it was agreed that the American troops were to remain east of the Arroyo Hondo, and the Spanish troops were to remain west of the Sabine. For the next fifteen years this arrangement remained in force, the neutral ground between the

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[1] *Ibid.*, 628–630.

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two streams becoming a place of refuge for bandits and desperadoes of every kind.[1]

Such were, in outline, the facts of the case. It is of interest to turn now to the arguments advanced with great fulness on each side when the subject was under discussion in Madrid in the year 1805.

The Spanish argument rested upon the theory that the decision ought to be based upon the actual possession enjoyed by France and Spain respectively in 1762, and that the boundary must be so traced as to throw on one side of the line all establishments made and maintained by the French, and on the other side all establishments made and maintained by the Spaniards. The Spanish province of Texas, said Cevallos, the Minister of Foreign Relations, extended to the presidio of the Adaes; it had been occupied since 1689, and the Spanish possession had been acknowledged and respected by the French while they owned Louisiana. He concluded that the boundary ought to pass between Natchitoches and the presidio of the Adaes, and should therefore run northward to the Red River from a point on the Gulf between the rivers Mermentau and Calcasieu. From this point, the limits being little known, he proposed that a joint commission should be appointed to investigate the facts.[2] The line as thus suggested started more than forty miles east of the easterly boundary of the present state of Texas.

This view of the case was strikingly opposite to that which the French government had been secretly preparing to assert on its own behalf after the treaty of San Ildefonso. Napoleon's government, however, was never much troubled by any restraints of consistency, and Talleyrand had had no difficulty in suggesting to the Spanish authorities, in anticipation of Monroe's visit to Madrid, the policy they should adopt. If the cession of Louisiana had not been made to the United States, he said:

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[1] See McCaleb's *Aaron Burr Conspiracy*, 105–157. The correspondence between Wilkinson and the Spanish officers was transmitted to Congress with the President's annual message, December 2, 1806, and referred to in that document. Congress, therefore, was fully informed of the arrangement.

[2] Cevallos to Pinckney and Monroe, April 13, 1805, *Amer. St. Papers, For. Rel.*, II, 660–662; Robertson's *Louisiana*, II, 199–211. A later statement of the Spanish position is very clearly presented in a pamphlet prepared for and published by the Spanish minister in the United States, Don Luis de Onis, entitled *Observations on the Existing Differences between the Government of Spain and the United States, No. III, by Verus* (Philadelphia, 1817).

> "We should have sought to distinguish between settlements that belong to the kingdom of Mexico, and settlements that had been formed by the French or by those who succeeded them in this colony. This distinction between settlements formed by the French or by the Spaniards would have been made equally in ascending northwards. All those which are of French formation would have belonged to Louisiana; and since European settlements in the interior are rare and scattered, we might have imagined direct lines drawn from one to the other to connect them; and it is to the west of this imaginary line that the boundary between Louisiana and the Spanish possessions would have been traced at such distance and in such direction as France and Spain should have agreed." [1]

To this argument of Talleyrand's, as presented through Cevallos, the American representatives replied on April 20, 1805.[2] The question respecting the western limits of Louisiana was to be answered, they conceived, by a consideration of the rights which France would have had if she had never parted with the province.

> "All the rights," they observed, "which she formerly possessed over it were restored to her by the treaty of St. Ildefonso, and by her transferred to the United States by that of Paris, 1803; to ascertain these, it is necessary to go back to that epoch when the river Mississippi, with the waters which empty into it, and when the bay of St. Bernard were just discovered."

In these words lay the heart of the controversy. Was the boundary to be settled by the possession of 1685 or by the possession of 1762? The American argument, which supported the first of these alternatives, proceeded upon the assumption that La Salle, as the first settler of this region, had conferred a lawful right of possession on the King of France, and that all the subsequent settlements by the Spaniards were unlawful intrusions.

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[1] Talleyrand to Gravina, 12 fructidor, an XII (August 29, 1804); quoted in H. Adams, II, 299. A literal translation of the entire letter is printed in Robertson's *Louisiana*, II, 195–198. See also Talleyrand to Turreau, 20 thermidor, an XII (August 8, 1804) to the same effect; *ibid.*, 193.

[2] *Amer. St. Papers, For. Rel.*, II, 663.

Three principles were laid down by Pinckney and Monroe as applicable to such cases. *First,* that when a European nation takes possession of any extensive sea-coast, that possession is understood as extending to the interior country as far as the sources of the rivers emptying into the sea within the portion of the coast so occupied. *Second,* that whenever one European nation makes a discovery and takes possession of any portion of a continent, and another afterwards does the same at a distant point, the boundary between them is a line midway between their possessions. *Third,* that whenever any European nation has thus acquired a right to any portion of territory, such right cannot be diminished or affected by any other power by virtue of grants from the natives within the limits of the territory in question.

The utter futility of such reasoning should have been apparent to any man with a sense of humor. No individual would have voluntarily given up a single acre of land of which he and his ancestors had been in continuous and undisturbed possession for a hundred and twenty years, upon a mere assertion of theoretical right; and it should have needed no very strong sense of the ludicrous to appreciate the absurdity of addressing to a country still apparently independent a request to surrender four or five hundred miles of sea-coast and an immense hinterland, upon no other ground than the unsupported assertion that its possession from 1689 to 1762 had been in violation of principles "adopted in practice by European nations."

Cevallos did not even think it necessary to reply to the American argument. To a proposition made later on to adopt the Colorado River of Texas as a compromise boundary, he simply declined his assent to "propositions so totally to the disadvantage of Spain," and here the diplomatic discussion rested for thirteen years. When it was resumed, events had occurred which changed the face of

Europe and America. The War of 1812 had demonstrated the power and the weakness of the United States; Napoleon had been sent to Saint Helena; the crown of Spain, after many vicissitudes, had been set upon the head of the false and unworthy Ferdinand VII, and all the American continental possessions of the Spanish crown had broken into open revolt.

The negotiations between the United States and Spain were now again conducted under the direct personal supervision of Monroe, who, after a diplomatic career of unusual length and variety and a long service in the State Department, had risen to the presidency. No man was more familiar than he with the controversy as to the Louisiana boundaries, for he had not only signed the Louisiana treaty in 1803, but had carried on all the negotiations concerning it with the Spanish government.

Standing upon this high vantage-ground of knowledge and experience, Monroe's mind was clearly made up that it would be expedient to surrender whatever colorable claim to Texas the United States possessed. Every member of his cabinet concurred with him—Adams, according to his own account, having been the last man in the administration to agree to accept the Sabine for the western boundary[1]—and finally, after wearisome discussions on a multiplicity of other details, the treaty was signed on the twenty-second of February, 1819.

That same evening Adams wrote in his diary that it was the most important day of his life.[2] It was certainly an important day in the life of the nation, for it marked the end of forty years of complicated and vexatious controversies which had baffled every successive American cabinet, and which time and again had threatened to result in war. The treaty now settled all differences. The United States agreed to adjust the claims of its citizens against Spain, estimated at five million dollars; Spain ceded the Floridas, East and West, and a boundary line between the respective possessions of the two countries was agreed upon, from the Gulf of Mexico to the Pacific Ocean. The treaty line followed the present western boundary of the state of Louisiana and the southern boundary of Oklahoma, cut off the southwestern corner of what is now the state of Kansas and the greater part of what is now the state of Colorado, and then followed the parallel of 42° north latitude across the continent to the Pacific Ocean. The vast and then unknown and almost unpopulated region which has since been formed into the states of Texas, New Mexico, Arizona, Nevada, Utah, and California, together with large parts of Kansas, Colorado, and Wyoming, was thenceforward to be recognized as included within the possessions of the Spanish crown, while the King of Spain renounced in favor of the United States whatever claims he had to the more northern and eastern portions of the American continent.

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[1] J. Q. Adams's *Memoirs*, V, 54. But there seems to be no other evidence in support of his assertion. The first written proposal for a definition of the boundary was made by the Spanish minister, October 24, 1818. Adams replied October 31, 1818, offering the line of the Sabine, and never qualified that offer.—(*Amer. St. Papers, For. Rel.*, IV, 526, 530.) His diary does not mention any cabinet discussion on the point. Indeed, the point was hardly open to discussion, as Monroe, in Madison's administration, had already offered the Sabine.—(Monroe to Erving, May 30, 1816; H. R. Doc. 42, 28 Cong., 2 sess., 5.)

[2] A quarter of a century later he repeated the assertion. "The Florida Treaty was the most important incident in my life, and the most successful negotiation ever consummated by the government of this Union."—(Diary of Sept. 27, 1844; *Memoirs*, XII, 78.)

The immediate advantages of this arrangement to the United States were manifest. By assuming the claims of American citizens against a bankrupt debtor, the whole unbroken coast-line from the Bay of Fundy to Sabine Pass came into the hands of the United States; the uninterrupted navigation of all the rivers that emptied into the Gulf of Mexico east of Texas was secured; an excellent naval base at Pensacola was obtained; and the long-standing and irritating question of boundaries was removed from discussion.

On the Spanish side, the advantages of the treaty were no less obvious. What she needed, next to money, was peace. The Napoleonic wars had ruined her at home. The revolt of her colonies had, on the one hand, cut off a constant source of tribute, while, on the other hand, the futile effort to repress the rebellions had involved her in endless expenditure. In

Florida, the exploits of Jackson and the impunity of the pirates of Amelia Island had abundantly shown that in the event of a war with the United States the whole territory would be lost. Nor was a doubt then entertained that Texas and northern Mexico were likewise indefensible.

In addition to these considerations there was the overwhelming desire of Spain to prevent a recognition of the independence of any of her revolting colonies. The outbreak of a war with the United States would have been instantly followed by such recognition, and, conversely, a removal of the causes of difference, or even a pending negotiation, might delay any decisive action. It was even hoped that a stipulation might be obtained that the United States would agree not to recognize the colonies, and suggestions to this effect were made at least twice during the course of the negotiations; but President Monroe and his Secretary of State peremptorily declined to discuss the proposal, on the ground that it was "repugnant to the honor and even the independence of the United States."[1] Delay, therefore, was all that Spain secured; but of that she obtained more than she could reasonably have hoped. Not only were the weary negotiations dragged out to unconscionable lengths, but even after the treaty was signed there were excessive delays in the exchange of ratifications. The Senate of the United States by a unanimous vote approved the treaty two days after it was signed. The Spanish ratification was withheld for precisely two years.

These two years gave time for reflection, and the reflections of some of the inhabitants of the western portions of the United States were not at all favorable to the treaty. Benton, not yet in Congress, attacked it in the press,[2] and Clay, then hostile to Adams and all of Monroe's administration, criticised it vehemently in Congress. In a fervid speech delivered in the House of Representatives, April 3, 1820, he denounced the treaty upon the ground that it failed to secure Texas for the United States. His two propositions, which he put in the form of resolutions, were, *first*, that under the Constitution no treaty alienating any portion of the territory of the United States was valid without the consent of Congress; and, *second*, that the equivalent proposed to be given by Spain "for that part of Louisiana lying west of the Sabine" was inadequate.

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[1] President's message, May 9, 1820.

[2] *Thirty Years' View*, I, 14–18.

These resolutions and Clay's speech in support of them were based upon the assumption that Texas had, in fact, once been a French province and a part of Louisiana, and that the treaty, by drawing the boundary so as to exclude Texas, alienated territory of the United States. If this assumption was unfounded, then his entire argument fell to the ground.

Clay offered no evidence of his own to support his assertion, but rested his case on the claims advanced fifteen years before by the American ministers in Spain. An unfortunate phrase used in a note to the Spanish Foreign Office was quoted by Clay with great effect. After setting forth at length certain reasons for claiming that Louisiana rightly extended to the Rio Grande, Monroe and his colleague had asserted that these were enough to "convince" the government of the United States that it had not "a better right to the island of New Orleans" than it had to Texas. And Clay triumphantly asserted that Congress could hardly presume to question a right which the executive had so constantly maintained. Assuming, then, that the right of the United States to Texas had been clear, Clay pointed out that the treaty had given to Spain the whole of "unencumbered Texas," and five million dollars, besides other great and valuable concessions—for what? For Florida, which was of relatively trifling value, and which must come to the United States as surely as ripened fruit must fall.[1]

Clay's followers, who knew even less than he of the facts in the case, repeated his assertions with equal confidence. A conversation recorded by Adams which he had with William S. Archer, of Virginia, then a member of the House,[2] and George Hay, the President's son-in-law, illuminates the entire controversy. Archer had taken occasion to denounce the treaty:

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[1] Colton's *Clay*, V, 205–217.

[2] Archer was a member of the Committee on Foreign Affairs, and supported Clay in his opposition to the treaty.

> "It was the worst treaty the country had ever made. Hay asked him why. Because we should get by it nothing but Florida, and gave away for it a country worth fifty times as much. I asked him if he had examined the validity of our title to the valuable country of which he spoke. He said, no. I told him he would find it weak; and rather a claim than a title. Hay said that there had been on our side a strong argument and a weak title. Archer did not reply."[1]

A reply was indeed not easy, even for those who had taken the trouble to learn the facts before expressing their opinions, and Clay's assertions failed to convince the House. After a debate extending over some days, the matter was dropped.

Meanwhile the failure of the Spanish government to ratify the treaty had left the whole question open, and Monroe and Adams gave much thought to the question whether it was wise, after all, to proceed with the business. Adams himself professed an indifference on the subject which he did not really feel. To members of Congress who called upon him he said that he set no great value on the treaty, and was very ready to abandon it if Congress was averse to it; that he had been the last man in the cabinet to accept the Sabine as a boundary; that we needed no more territory, for "the greatest danger of this Union was in the overgrown extent of its territory, combining with the slavery question"; and that neither Florida nor Texas ought to be accepted as a gift unless slavery should be excluded.[2] These were only the impatient expressions of a man out of temper with his opponents. For two years Adams labored incessantly to secure ratification, and when the task was finally completed, he returned thanks to that kind Providence which had enabled him to carry it through.[3]

Monroe, more cautious, refrained from expressing his doubts publicly, but he consulted Jefferson and Jackson. The former had written to say he was not sorry Ferdinand VII had failed to ratify the treaty. Our assent to it had proved our desire to be on friendly terms with Spain; "the first cannon" would make Florida ours without offence to anybody; Texas, in our hands, would be the richest state in the Union; and the result, sooner or later, would be that we should get Florida and Texas too.[1] This was no hasty opinion. A year before he had written that he would rather "keep" Texas "and trust to the inevitable falling of Florida into our mouths."[2]

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[1] J. Q. Adams's *Memoirs*, V, 42. [2] *Ibid.*, 52–54, 67. [3] *Ibid.*, 289.

Monroe replied by a long exposition of his inmost convictions. If the question had concerned only the relations between Spain or her colonies and the United States, he would have concurred entirely with Jefferson, but there was much more involved. The New England states ever since 1785 had been endeavoring to check the Western growth of the Union in order to secure power for themselves; in this they had been helped by Jay, who had wished to let the Spanish government close the Mississippi; and the Hartford convention was another proof of the same spirit, and so was "the proposition for restricting Missouri."

> "From this view," he continued, "it is evident that the further acquisition of territory to the west and south, involves difficulties of an internal nature which menace the Union itself. We ought therefore to be cautious in making the attempt."[3]

This was a striking prophecy, which time was to verify in a noteworthy manner.

It does not appear what answer, if any, Jefferson made; but Jackson fully concurred with the presidential views. To him Monroe had expressed his opinions as follows:

> "Having long known," he wrote, "the repugnance with which the eastern portion of our Union, or rather some of those who have enjoyed its confidence (for I do not think that the people themselves

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[1] Jefferson to Monroe, May 14, 1820, in *The Writings of Thomas Jefferson* (memorial ed.), XV, 251.

[2] Jefferson to Dearborn (former Secretary of War), July 5, 1819; *ibid.*, XIX, 270-272.

[3] Monroe to Jefferson, May, 1820; Hamilton's *Writings of Monroe*, VI, 119-123.

> have any interest or wish of that kind) have seen its aggrandizement to the west and south, I have been decidedly of opinion that we ought to be content with Florida for the present, and until public opinion in that quarter shall be reconciled to any further change."[1]

Jackson replied: "I am clearly of your opinion that, for the present, we ought to be content with the Floridas"; and he went on to point out that Texas, in the hands of a foreign power, could never be made the base of an invading force. Sixteen years later he vehemently denied that he had ever been consulted about the treaty.[2]

Monroe's final conclusion was that, although the acquisition of Texas by the United States was certainly desirable, yet it was better not to risk the Florida treaty, with all its advantages, by pressing a doubtful claim to a territory for which the United States was not ready, more especially in view of the Northern opposition to any extension of the area of slavery.

> "It is remarkable," says Wharton, in commenting on Monroe's attitude, "that this view of the acquisition of Texas was not shared by Mr. Adams, in whose mind the dangers of the extension of slavery had not yet become such as to influence his political course. He not only urged the assertion of our title to Texas, necessarily then a slave State, but he assented to the Missouri Compromise which gave the Southwest to slavery. The issue in fact was fraught with consequences which Mr. Monroe was the only leading statesman of the day to foresee."[3]

In his decision to stand by the Florida treaty and yield the claim of the United States to Texas, Monroe was sustained by the sober judgment of the country, for notwithstanding serious expressions of doubt as to the wisdom of the treaty during the two years while the exchange of ratifications was delayed, the overwhelming weight of contemporaneous public opinion, in Congress and out of Congress, North and South, was in its favor.

The acquisition of the Floridas was a step which had been, in some form or other, under discussion ever since the purchase of New Orleans from France was first in contemplation; the terms of the treaty were freely and fully discussed and met with all but unanimous approbation, and yet, by a singular perversion of the truth of history, a general belief grew up, a few years later, that Monroe's administration had somehow been duped into giving away an unquestionable title to the whole of Texas.[1]

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[1] Monroe to Jackson, May 23, 1820; *ibid.*, VI, 127–128.

[2] Parton's *Life of Jackson*, II, 585.

[3] Note of Dr. Wharton to *International Law Digest* (1st ed.), I, 284.

The people of the seaboard states cared at first little about it, for, as John Quincy Adams wrote more than twenty years later:

> "The appetite for Texas was from the first a Western passion, stimulated by no one more greedily than by Henry Clay. He had denounced the Florida Treaty for fixing the boundary at the Sabine, and held and preached the doctrine that we should have insisted upon our shadow of a claim to the Rio del Norte."[2]

But those who assailed the treaty overlooked one inestimable advantage which it had secured: the grant, namely, of a clear title to the Far West, even to the Pacific Ocean. In Jefferson's administration the government had been willing to exchange for Florida everything west of the valleys of the Mississippi and the Missouri.[3] Adams rightly congratulated himself on having introduced a new feature into the settlement.

> "The acknowledgment," he wrote, "of a definite line of boundary to the South Sea forms a great epocha in our history. The first proposal of it in this negotiation was my own, and I trust it is now secured beyond the reach of revocation. It was not even among our claims by the Treaty of Independence with Great Britain. It was not among our pretensions under the purchase of Louisiana."[4]

Wisely or unwisely then, the boundaries between the United States and Mexico were firmly fixed. The sovereignty of the United States was unequivocally recognized by Spain as extending from sea to sea; while Texas, *de jure* as well as *de facto*, was henceforward to be regarded as an integral part of the kingdom of New Spain.

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[1] This belief still persists in the writings of recent historians.—(H. Adams's *History of the U. S.*, II, 294; III, 40; Chadwick, *The Relations of the U. S. and Spain: Diplomacy*, 69.)

[2] *Memoirs*, XI, 348 (March, 1843).

[3] Madison to Monroe, April 15, 1804; *Amer. St. Papers, For. Rel.*, II, 627–330.

[4] *Memoirs*, IV, 275.

CHAPTER II

MEXICO ACHIEVES HER INDEPENDENCE

The ratifications of the Florida treaty were exchanged by the American Secretary of State and the Spanish minister at Washington on the twenty-second of February, 1821. Two days later, at the little town of Iguala, half-way between the city of Mexico and Acapulco, an event occurred which put an end, within a few weeks, to three centuries of Spanish rule. A body of about twenty-five hundred troops belonging to the government, and commanded by Colonel Agustin de Iturbide, issued a proclamation dated February 24, 1821, and later known as the plan of Iguala, in which they declared themselves in favor of Mexican independence under a constitutional monarchy.

The movement thus inaugurated by Iturbide's command ended, after some early reverses, by sweeping the whole country—but it was only the culmination of a long struggle which, under several leaders and for diverse objects, had been going on for more than twelve years. In its general features it was similar to the other contests begun, almost at the same moment, in the several Spanish colonies of Central and South America. In each case the first cause of the uprising was not a desire for independence or a hostility to Spanish rule, but an eager purpose to prevent Napoleon from seizing the colonies as he had seized Spain. The popular motive at first was purely patriotic and anti-French. That the movement later on inevitably became separatist and anti-Spanish was due to strong underlying causes which had no part in the original outbreaks.

It was on June 6, 1808, that Napoleon placed his brother Joseph on the throne of Spain. As soon as the news reached Mexico a unanimous sentiment of resistance to the usurpation became manifest; and when a French vessel arrived at Vera Cruz, bringing despatches from Joseph, she was fired upon by the castle of San Juan de Ulúa, was allowed to enter only under a flag of truce, and the despatches she brought were publicly burned.

Nor was there then the slightest difference of opinion as to the recognition of Ferdinand VII as King of Spain and the continuance in office of the viceroy as his representative. A meeting of the principal persons in the city of Mexico, called by the viceroy of New Spain, adopted a formal declaration to this effect;[1] but the discussions of this gathering developed serious differences of opinion as to the course to be pursued for the future. It was not doubted that during the King's captivity "the Sovereignty is represented by the nation, to accomplish in his name what may be most convenient";[2] but the dispute turned upon the question *which nation*—Spain or Mexico—was to act in the King's name. One group, consisting principally of native-born Mexicans, desired that a local *junta* should be summoned by the viceroy to represent the captive King and govern in his name until he was restored. The other group, consisting principally of natives of Europe and merchants with European connections, desired to recognize the authority of the temporary anti-French government then forming in Spain.

An end was soon put to this unsettled debate. Before daylight on September 15, 1808, the viceroy, who was believed to be intending to summon a Mexican congress, was seized by the royalists, deposed, and deported to Cadiz. The senior officer of the army succeeded to his place, and later a new Spanish viceroy was appointed by the *junta central*, which then sat at Seville and represented what was left of the Spanish government.

The peninsular authorities were thus put in complete control of the affairs of Mexico, and for two years their power was not openly contested. But the discussions to which the crisis in Spain had necessarily given rise, and the violence offered to the person of a viceroy suspected of leanings toward Mexican independence, could not fail to give occasion for popular discontent. Sooner or later, discussion was certain to result in armed revolt against Spanish domination.

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[1] Aug. 9, 1808.

[2] Address of municipality of Mexico to viceroy, Aug. 5, 1808, in Romero's *Mexico and the United States*, 204.

The "patient sufferance" of the Spanish colonies had been tested by a despotism to which the history of their northern neighbors offered no parallel. Mexico could not complain that the assent of the sovereign had been refused to laws passed by her legislature, for no legislature had ever existed. But she had the most abundant reason for joining in the other grievances which the Philadelphia Declaration of Independence had set forth. Her King had endeavored to prevent the population of the territory; he had obstructed the administration of justice; he had made judges dependent on his will alone; he had erected a multitude of offices and sent swarms of officers to harass the people and eat out their substance; he had kept among them in times of peace standing armies and ships of war; he had cut off their trade with all parts of the world; he had imposed taxes upon them without their consent. All these things, and more, the Spanish colonies had endured.

Clay, in a famous speech, put the comparison in the fewest possible words:

> "Our revolution," he said, "was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose, they breasted the storm; they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified."[1]

But, in addition to the feeling of hostility to a remote and oppressive government, there was also an instinctive though somewhat illogical hatred of the Spaniards themselves.

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[1] Speech in the House of Representatives, March 24, 1818; Colton's *Clay*, V, 142.

Not the Indians only, but the whites born in the colonies as well, grew up to detest the natives of Old Spain. The condescending superiority of the inhabitants of the mother country and their determination to exploit the colonies for their own exclusive benefit, was a phenomenon not peculiar to Spain; but the sullen and suspicious nature of the Indians, and the inherited pride of the whites gave a peculiar bitterness to the resentment of the colonists which found a parallel only in the feeling of the Irish natives and settlers toward their English neighbors.

Nevertheless, it was not until 1810 that Mexico actually took up arms in the cause of independence. A long-meditated conspiracy was forced to premature action by some discovery of its plans, and suddenly, on Sunday, September 16, Miguel Hidalgo, the parish priest of the town of Dolores, near Guanajuato, roused his people to revolt. Urged from the pulpit, actuated by the hope of plunder, with the cry of "Down with the evil government, death to the Spaniards," and under the banner of Our Lady of Guadalupe, thousands from the countryside flocked to Hidalgo's support.

Their cry for liberty was the "Grito de Dolores," and it echoed loudly through the central provinces of New Spain. The towns of Celaya, Guanajuato, and Valladolid (Morelia) fell into the hands of the insurgents. The city of Mexico itself was threatened, but Hidalgo feared that his undisciplined and tumultuous mass of followers—which is said to have numbered no less than eighty thousand men—would prove unequal to the task of capturing the capital. Retreating from the neighborhood of the city northward and westward, his forces captured and sacked the important towns of Guadalajara, San Blas, Zacatecas, and San Luis Potosí.

The government had, however, been concentrating its troops, and by the beginning of the year 1811 was able to put a well-equipped force in the field under the command of Calleja, an experienced and intelligent officer. On the seventeenth of January, 1811, at the head of about six thousand men, he met and routed the main body of the insurgents at the bridge of Calderon, although they outnumbered him at least ten to one. The captured towns were quickly recovered. On March 21 Hidalgo and his principal associates were captured, and, in accordance with the usual custom, within a short time were all punctually shot.

The destruction of the main organized force—if an ill-armed and undisciplined crowd of Indians could be so called—did not by any means end the revolution. There was thenceforward little that could be described as regular warfare, but there was nothing that could be regarded as even remotely resembling peace. There can be little question that a large proportion of the people of Mexico—including the people of European descent—ardently desired to put an end to the rule of the Spanish monarchy.[1] The execution of their leader did not terminate the insurrection. After Hidalgo, Morelos, and after Morelos other leaders came forward at the head of revolutionary bands more or less numerous. Some of these bodies had in some sense a military organization and captured and plundered towns and *haciendas*. Others were mere bands of brigands. In either case, it was all but impossible for any regular military force to suppress them. When the flames of rebellion were extinguished in one part of the kingdom they would break out in another. The larger towns could be garrisoned and securely held, but, as the viceroy of New Spain officially reported,

> "An infinity of smaller towns are left, unavoidably, at the mercy of the banditti; the roads are ours only as long as a division is passing over them; and the insurgents, who are infinitely superior to us in number, are masters of the largest proportion of the cultivated lands; the consequence is that trade is at an end; agriculture languishes; the mines are abandoned; all our resources exhausted; the troops wearied out; the loyal discouraged; the rich in dismay; in short, misery increases daily, and the state is in danger."[2]

To a certain extent the revolution reflected the varying fortunes of the Peninsular War. The original outbreak of

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[1] Representation of the Audiencia to the Spanish Cortes, Nov. 18, 1813; translation in Ward's *Mexico*, I, 498.

[2] Calleja to the Minister of War, Aug. 18, 1814; *ibid.*, 519.

Hidalgo was undoubtedly encouraged by the fact that the Spanish troops and their allies had everywhere been beaten by the French. The news of Vimeira and Talavera, of the return of Joseph to Madrid, of the disastrous retreat of the British, of the death of Sir John Moore at Corunna, of the surrender of Saragossa—all must have penetrated even as far as Dolores before the day when the cry of independence was raised in its church. And, on the other hand, when Wellington had retaken Ciudad Rodrigo and stormed Badajos; when, in October, 1813, the allied English and Spanish forces had entered France itself and the soil of the Peninsula was at length delivered from invasion, the prospects of a successful revolt in Mexico must have seemed unquestionably dim.

As soon as the Spanish authorities began to be relieved of the pressure of the French invasion they undertook to strengthen their Mexican garrison. As early as January, 1812, two Spanish battalions were landed—the first troops that had been sent from Spain since the troubles began[1]—and thenceforward the conflagration, although still flickering in various quarters, was gradually extinguished.

At the same time political conditions in Spain passed through several novel phases. During the period from 1808 to 1814 the government was carried on by self-constituted and provisional bodies, formed originally to resist the foreign invasion as best they could, and to support the cause of Ferdinand VII. Provisional juntas were first formed, then a *junta central*, then the constituent Cortes, which adopted and proclaimed the Constitution of 1812. The self-government thus necessarily imposed upon Spain had brought forward many men whom an absolute government would never have discovered, and the Constitution they framed reflected fully the more modern political ideas of France and England. It declared that the Spanish nation was free and independent, and not the patrimony of any family or individual; and that the sovereignty resided in the nation, which alone possessed the right of establishing its own fundamental laws. The government was to be a limited hereditary monarchy, governed by the King and the Cortes. The King was to have merely a suspensive veto over the acts of the Cortes, and could do no more than execute such laws as should be duly passed. The privileges of the clergy and the nobility, the hereditary jurisdictions, the seigniorial rights were swept away. No man should thereafter be deprived of life or liberty but by the judgment of a court of competent jurisdiction. The liberty of the press was to be secure. The white residents of the colonies were to have all the rights of Spaniards. Any man of African descent might be admitted to citizenship provided he was the legitimate offspring of free parents, was married to a free woman, and carried on within the Spanish dominions, by means of his own capital, some profession, employment, or useful trade. The basis of representation in the Cortes was to be the same in the colonies as in Spain itself.[1]

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[1] Alaman, *Historia de Méjico*, II, 469.

Under this Constitution Mexico would have been entitled to some thirty-seven deputies, and if the liberal plans could have been fairly carried into execution Mexico might have remained loyal. But before any elections under the new Constitution were held Ferdinand had been released from his French prison, and had entered upon a rigidly reactionary policy. Almost his first step was a refusal to accept the Constitution, accompanied by a declaration that all the acts of the Cortes were void. Many of its leading members were arrested and sentenced by administrative order to long terms of imprisonment. The King's purpose was to restore the detested monarchy of 1808, and to make himself as absolute as Charles V or Philip II. The old council of Castile, the Inquisition, the privileges of the nobility and clergy, were restored; the convents were again filled with monks; the Jesuits, banished by Charles III, were brought back. In the words of a writer unfriendly to the liberal cause:

> "Everything that had existed six years before was re-established, all the abuses which experience had shown to exist, all the recognized vices, all the notorious dangers,—and they were re-established, not provisionally to avoid a vexatious interregnum, but definitely, abso-

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[1] See text in Dublan y Lozano, I, 349–379.

lutely, as a thing stable and perpetual, as an institution, as an element in the constitution of the State."[1]

But the restoration of the old order of things, however distasteful to Mexican liberals, certainly seemed to insure a strong government of the colonies. Calleja, who had been promoted to be viceroy, had to a great extent destroyed the revolutionary forces by the beginning of the year 1816; and it was even said that the only reason why his success was not altogether complete was because he had a pecuniary interest in the continuance of the war.[2] His successor, Apodaca, who arrived in August, 1816, swept cleaner, and by the end of 1819 the whole of Mexico was very nearly "pacified." Two or three leaders in remote mountainous districts still held out, but the viceroy could fairly congratulate himself that everything like organized resistance was at an end, when events occurred in the Peninsula itself which destroyed all prospect of continued Spanish domination.

The King was not simply engaged in making war on his rebellious subjects in Mexico. All South and Central America was in revolt, and in most parts the revolutionists were successful. In Buenos Ayres an independent government had existed *de facto* since May, 1810. In Chile the war had been carried on with varying results, but on the whole the Spaniards had been generally unsuccessful. In Venezuela and New Granada Bolivar had established independence. It was only in the West India islands and Peru, where (as in Mexico) there were powerful commercial interests, great mining interests, and an extraordinarily rich church, that the Spanish government had been able to sustain itself.

This far-flung battle-line called for great expenditures of men and money. The drafts on the army for colonial service were heavy, and the mortality among the troops was known to be excessive. It was indeed asserted that out of forty thousand men who had been sent to America not one had returned.[3]

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[1] Martignac, *L'Espagne et ses Révolutions.*

[2] Bancroft, *History of Mexico*, IV, 645.

[3] De Pradt, *Rév. Actuelle de l'Espagne*, 78.

But the army had other causes of discontent. The officers had, many of them, imbibed liberal ideas during the six years of Ferdinand's captivity. The men were unpaid, ill clothed, and ill fed. The medical service was notoriously inefficient. Mutiny after mutiny had broken out in the period between 1814 and 1820, and although put down without serious difficulty the government had had abundant warning of the dangerous spirit which existed.

It was obviously the part of wisdom to keep the army scattered throughout Spain in small detachments, and to avoid designating, until the last moment, the forces destined for colonial service. Instead, the government committed the folly of collecting a large expeditionary force at Cadiz months before transports were ready. There were extraordinary delays in getting any ships at all, and those finally secured were universally believed to be unfit for sea. For a year this army had no other occupation than to watch the rotten and fever-infected ships on which it was to embark, and to listen to hideous tales of disease and death. In such a combination of circumstances—the destitution of the troops, the general public discontent, the tedious waiting for transportation, the torturing fear of inglorious death from tropical disease—a mutiny was inevitable.

On the first day of January, 1820, it broke out under the leadership of Riego, a battalion commander. At the head of a few men he surprised the head-quarters of the army, captured the commanding general and his staff, and was soon joined by the rest of the troops. The movement at first was not successful, but the contagion spread. In widely distant points of Spain one body of troops after another "pronounced" in favor of the Constitution of 1812. Ferdinand, in the face of the defection of his army, was utterly powerless, and on March 9, 1820, he abandoned the cause of reaction and solemnly and publicly took an oath to support the Constitution.

The success of Riego's revolt put an end to any expectations that Spain could, with her own resources, recover her colonies. When a Spanish army refused to act against them their independence was virtually secured. Peru and Mexico and Cuba were indeed still in possession of the Spanish authorities, and by wise and timely concessions it might perhaps still have been possible to establish autonomous local governments and to preserve them as in some sort a part of the Spanish empire. But the policy of even the reformed government did not tend to conciliation. Impotent as it was, it declined to recognize accomplished facts.

The determining cause of the final revolt in Mexico was, however, not the oppressive, but the liberal spirit of the new rulers of Spain. The Cortes elected in accordance with the Constitution of 1812 met in July, 1820, and at once took up the desperate financial situation. Unpopular and oppressive taxes were reduced, and the deficit was made good by suppressing religious orders and confiscating a part of the property of the church. These measures instantly alarmed the Mexican clergy, and under the leadership of the highest ecclesiastics the conspiracy was formed which resulted in Iturbide's proclamation of the plan of Iguala, the first article of which was that the religion of New Spain should be "the Roman Catholic Apostolic, without tolerating any other." [1]

Iturbide's prospects seemed at first unfavorable, but the cause of independence was soon joined by officers of high rank in various parts of the country. By the beginning of July, 1821, the greater part of New Spain was in the hands of the insurgents, although the cities of Mexico, Acapulco, and Vera Cruz, with the important fortresses of Perote and San Juan de Ulúa, still remained loyal to Spain.

On July 30, however, a new viceroy, General O'Donojú, landed at Vera Cruz, where he found himself besieged, and unable, for want of an adequate force, to proceed to his capital. His first attempt to stay the progress of events was to issue a proclamation urging the people to await the action of the Spanish Cortes, which, he asserted, would unquestionably grant them autonomy; but as autonomy seemed already pretty well assured as a fact, and as O'Donojú's jurisdiction could only be exercised over the space commanded by the guns of the ship on which he had come over, he determined to treat with the insurgents.

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[1] See the text in Alaman, V; App. 8–13.

Three days after his arrival he opened negotiations,[1] which resulted in his receiving a safe conduct from the revolutionary leaders, allowing him to come into the interior as far as the town of Cordova. There he met with Iturbide. No time was lost in coming to an agreement, for O'Donojú had become convinced that instant action was essential if the lives and property of the natives of Spain then in Mexico were to be spared. Within forty-eight hours after their meeting he signed, with Iturbide, a paper which came to be called the treaty of Cordova.[2]

This paper, which was dated August 24, 1821, provided, in substance, that the independence of Mexico should be recognized by Spain; that the form of government should be a constitutional monarchy, under the style of the Mexican Empire; that the crown should be offered to the male members of the Spanish royal family in succession; and that on the failure of them all to accept, then to such person as the Mexican Cortes might designate. A provisional junta was to be formed at once, O'Donojú and Iturbide being members.

O'Donojú's action, which was probably quite unwarranted by his instructions, had the effect of putting an end to all conflict. The Spanish troops in the city of Mexico, while declining to recognize the validity of the treaty of Cordova, were willing to obey O'Donojú's orders to march out, and subsequently to embark for Spain.

Shortly after Acapulco and Perote surrendered to Iturbide, and the Spanish commander at Vera Cruz retired, with his entire force, to the castle of San Juan de Ulúa, which then remained the sole relic of Spanish rule in Mexico.[3]

On September 28, 1821, a provisional junta of thirty-six members nominated by Iturbide met in the city of Mexico and appointed him, together with O'Donojú and three other persons, regents of the empire, to govern until an Emperor was selected. A plan was also formulated for the creation of a Congress of two houses, and December 24 was fixed as the date for the preliminary elections. In the meantime the junta busied itself with internal legislation and authorized the appointment of diplomatic agents in South America, the United States, England, and Rome. No attempt was made to enter into diplomatic relations with any of the other continental powers of Europe—not even Spain.

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[1] Santa Anna, *Mi Historia*, 5 (Garcia, *Documentos Inéditos ó Muy Raros*, II).

[2] See the text in full in Dublan y Lozano, I, 548–550.

[3] It continued in the possession of Spain until Nov. 18, 1825.

On February 24, 1822, the first anniversary of the plan of Iguala, the Congress met, and at once entered upon a series of angry controversies with Iturbide. O'Donojú had died some months before, and Iturbide had been made not only president of the regents, but general-in-chief of the army with the title of Most Serene Highness. The break finally came when Congress passed measures for a reduction of the army and for prohibiting any member of the regency from holding military command. A convenient mutiny broke out in the barracks of the city of Mexico on May 19, 1822, and by a terrified Congress Iturbide was hurriedly proclaimed Emperor under the title of Agustin I.

While Mexico was thus turbulently engaged in settling her own affairs, the liberal government of Spain was angrily protesting against being excluded from any share in the business. As soon as O'Donojú's surrender was made known the Cortes, by a decree of February 13, 1822, repudiated his action, authorized the appointment of commissioners to all the revolted colonies to hear and receive their proposals, and directed that all foreign governments should be notified that recognition of any of the new governments would be regarded as an act of hostility;[1] but these measures of conciliation never came to anything—so far, at least, as Mexico was concerned.

[1] *Colección de Decretos . . . Expedidos por las Cortes*, VIII, 272. The exact language as to the treaty of Cordova is as follows: "*Se declaran ilegítimos y nulos en sus efectos para el Gobierno español y sus súbditos el llamado tratado de Cordoba celebrado entre el General O'Donojú y el Gefe de los disidentes de Nueva España D. Agustin de Itúrbide, lo mismo que otro cualquiera acto y estipulación*," etc.

The plan of Iguala and the treaty of Cordova had contemplated offering the Mexican crown to the several male members of the Spanish royal family in turn; but as Spain had now refused to agree to the proposed arrangement, the Mexican Congress might be regarded as acting strictly within the terms of the programme when it elected Iturbide. It is true that the election was made hurriedly, under the threats of a mob, and by a doubtful vote; but the country accepted the result with satisfaction, or at least without open objection.

Iturbide's first business was to establish an imperial court. He founded an order of Guadalupe. His father and mother, as well as his numerous sons and daughters, were created princes and princesses. And on the 21st day of July, 1822, he was duly crowned, in a shabby state, which was copied as closely as practicable from Isabey's designs in the *Livre du Sacre* prepared for Napoleon's coronation sixteen years before.

The career of the new Emperor was short and stormy. It was much easier to imitate Napoleon's coronation ceremonies than to copy his methods in dealing with the representatives of the people; as Iturbide soon discovered when he came in conflict with the Mexican Congress.

Within six weeks after his inauguration he caused fifteen of the deputies to be arrested on charges of conspiracy, and two months later he dissolved the Congress by a military force. In this he only followed Cromwell's example as well as Napoleon's; but he lacked one essential element of success which had enabled Cromwell and Napoleon to maintain themselves in the face of a hostile public opinion. He had not first made sure of the army. As a matter of fact, he seems not to have been especially popular in the army or out of it, and his extraordinary rise—which was not due to any marked military talents—undoubtedly excited many jealousies.

At any rate, early in 1823 a military revolution broke out, which was soon supported by a large part of the army, who pledged themselves to re-establish and support a national assembly. Iturbide's troops, almost in a body, deserted him and left the city of Mexico to join the insurgents and on the 19th of March his abdication was announced. He had reigned for just ten months.

The remainder of his career was almost as short and quite as disastrous as his reign. He left Mexico, went to Italy, and after spending a few weeks there, travelled overland to England, and thence sailed for Mexico. With a single companion he landed near Tampico; but his imitation of the return from Elba proved a complete fiasco. He was at once recognized, arrested, and shot. His execution took place July 18, 1824.

The abdication of Iturbide, coupled with the refusal of Spain to recognize the validity of O'Donojú's treaty of Cordova, left the government of Mexico in a state of utter confusion. The military insurgents who had succeeded in dethroning the Emperor had created a triumvirate and had reassembled the Congress which Iturbide had illegally dissolved; but the triumvirs and the Congress together were hopelessly unequal to the task of governing the country. It was obvious that they possessed no constitutional authority, and they were equally without any efficient organization for preserving order. After a short and highly unsatisfactory existence, the authorities felt compelled to convene a constituent Congress; and this body met November 7, 1823.

That the Constitution to be adopted should be republican in form was a foregone conclusion. The one fundamental point upon which opinions differed, and upon which there was a long discussion, was the point whether the republic should be federal or centralized. The former plan was demanded by the various local bodies throughout the country. It had also the advantage of being actually in force in the United States, and this was an example which the delegates generally were prepared to follow.

A more complete acquaintance with the nature of the compromises under which the Constitution of the United States had been framed might have led to the adoption of a different system of government. The thirteen states, when their delegates assembled in 1787, had had a long history of practical autonomy. Except as they were loosely grouped through their dependence on the British crown, the North American colonies had been separate and self-contained units. War with France and British oppression had more than once brought them together; but they were even then thoroughly resolved on preserving their separate individuality and independence, and on resisting any encroachments by their neighbors. The articles of confederation had looked merely to a league of thirteen equal nations, and it was only the bitter experience of a protracted war and the humiliations of five years of inglorious and impotent peace that finally persuaded these reluctant sovereigns to surrender some of their authority to a common superior.

No such conditions, nor anything approaching them, had ever prevailed in Mexico. The government had always been highly centralized. New Spain was in fact as well as in name one kingdom. The several intendancies were nothing more than administrative divisions which represented no separate traditions and had no independent life. Before establishing a federal Constitution it was actually necessary to create the states which were then to come together into one.

The process of federation in the two countries was thus reversed. Mexico divided herself into separate states. In the American Union, the heretofore sovereign states fused themselves into a single nation. In the latter case, to use Freeman's phrase, federation meant uniting that which before had been disunited; in the former, it meant breaking up what before had been joined together.

These views were pressed on the constituent Congress with great clearness and vigor by Father Mier, a delegate who had lived for some years in England and had a good knowledge of English and American constitutional principles.[1] He also based his opposition on the incapacity of the Mexican people to work so elaborate a machine; and he contended that independent sovereignty of the several states would certainly give rise to internal dissensions, and that the government would be too weak to repel foreign aggressions.

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[1] See a sketch of his life in Bancroft's *History of Mexico*, IV, 451.

Others also spoke in the same sense. "It shocked my poor notions," said C. M. Bustamante, who was also a delegate, "that a nation made up of people who were united by nature, religion, language, and even prejudices, should be obliged to divide themselves up into fractions in order to be happy." [1]

The federal idea, however, prevailed; and this point being settled, the details of the Constitution were agreed to after considerable delay but without any very serious discussion except on the point whether the executive head of the nation should consist of one person or three. The final decision was in favor of a single President, chiefly, says Bustamante, "because the Anglo-Americans had a President, and they were at that time the type we imitated because we did not know them as we do now." [2]

The Constitution as finally adopted and signed October 4, 1824, was curiously compounded of the Constitution of the United States—omitting the first ten amendments—and the Spanish (Cadiz) Constitution of 1812.[3] There was to be a President elected every four years; a Senate composed of two members from each state; and a House of Deputies consisting of one member for every 80,000 inhabitants or major fraction thereof—each state to have at least one member, no matter how small its population. The powers of Congress were closely analogous to those of the Congress of the United States; and the President possessed the same power of suspensive veto.

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[1] Bustamante, *Cuadro Hist.*, VI, 199. Padre Mier's speech is given in full in the same volume, 200–216.

[2] *Ibid.*, 270.

[3] See "Spanish Source of the Mexican Constitution," by James Q. Dealey, in *Tex. Hist. Quar.*, III, 161–169, and "A Comparative Study of the Constitutions of the United States of Mexico and the United States of America," by Wm. H. Burges, in *Amer. Law Review*, XXXIX, 711–726. The text of the Mexican Constitution is in Dublan y Losano, I, 719.

The principal differences were significant. At the very beginning of the Mexican Constitution the doctrine of religious intolerance was proclaimed. "*La religion de la nación mexicana es y será perpétuamente la católica, apostólica, romana. La nacion la proteje por leyes sábias y justas, y prohibe el ejercicio de cualquiera otra,*" were the plain and positive words of the text. And not only did the Constitution promise to protect the national religion by "wise and just laws" and prohibit the exercise of any other, but by the express language of the final article these provisions were put beyond the reach of amendment.

The President, besides the ordinary executive duties, which were defined with some particularity, was expressly authorized to arrest any person when the safety of the nation required it, provided such person were placed, within forty-eight hours, "at the disposition" of a court of competent jurisdiction.

A council of government, composed of one senator from each state, was to sit whenever Congress was not in session. Its principal duties were to watch the President and see that the laws were strictly enforced, and to confirm presidential appointments.

The several states of which the nation was to be composed were enumerated—Coahuila and Texas together constituting a single state. Each unit of the federation was required to adopt a Constitution complying with certain specified requirements and to do and refrain from doing certain things.

Finally came the immensely significant provision that the General Congress alone had the power to "resolve doubts which may occur about the meaning or understanding of the articles of this Constitution." The interpretation of the Constitution was not to be a matter for the courts to determine, but for the fluctuating majority of the Congress.

On the subject of slavery, the Constitution itself was silent, but an act of the constituent Congress passed July 13, 1824, had prohibited the slave trade.[1] The wording of this statute gave rise later on to doubts as to whether the introduction of slaves by their owners, when the slaves were not for sale, was unlawful; and it was generally considered that only *trading* was prohibited.[1]

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[1] Dublan y Lozano, I, 710. "*Queda para siempre prohibido en el territorio de los Estados Unidos Mexicanos el comercio y tráfico de esclavos, procedentes de cualquiera potencia . . . Los esclavos que se introdujeren contra el tenor del artículo anterior, quedan libres con solo el hecho de pisar el territorio mexicano.*"

The country having thus secured its independence and established a form of government, the recognition by other powers was all that was needed to enable Mexico to take its place among the nations of the earth. There were, however, great difficulties in the way.

The principal continental powers of Europe were steadily opposed to recognizing the independence of any of the former colonies of Spain. Their policy ever since the fall of Napoleon had been reactionary in the extreme. Under the lead of Metternich, they had tried to create a coalition for the purpose of suppressing revolutionary disorders everywhere; and they did in fact all co-operate to put down risings in Piedmont and Naples. As late as 1823 France, acting as the agent of the continental powers, invaded Spain, deposed the liberal government, which had been in existence from the time of Riego's rebellion, and reinstalled Ferdinand as an absolute monarch.

But this was the last effort of which the coalition was capable. The powers failed to agree over Greece, and they were still less capable of agreeing over the Spanish colonies. Russia, Austria, and Prussia, constituting the Holy Alliance, would have been willing to give some material aid if England had consented, but when England first held aloof and then positively refused to help they contented themselves with empty protests.

The theory of the Holy Alliance was that the rights of each legitimate sovereign ought to be upheld by every other; and, as a corollary, that no revolting colony should ever be recognized as independent until the mother country had itself set the example. This theory was very acceptable to the British Tories, and especially to those who could remember the time when England herself was engaged in a war with revolting colonies; but it was antiquated nonsense to the

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[1] *Pol. Sci. Quar.*, XIII, 398.

English Liberals no less than to the people of the United States. John Quincy Adams and Sir James Mackintosh expounded on several occasions the doctrine which is now a commonplace of international law—namely, that every country may recognize the independence of a revolted colony without violation of neutrality or just offence to the mother country, provided only that an independent government, able to sustain itself and maintain order, really exists.

The propriety of recognizing the former Spanish colonies began to be discussed in the United States as early as 1817. Henry Clay in particular made himself their champion, but he was not able to hasten the deliberate procedure which Monroe and his cabinet believed to be essential to the honor of the country.

> "It is by success," said a memorable state paper, "that the colonists acquire new claims on other powers, which it may comport neither with their interest nor duty to disregard. Several of the colonies having declared their independence and enjoyed it for some years, and the authority of Spain being shaken in others, it seems probable that, if the parties be left to themselves, the most permanent political changes will be effected. It therefore seems to be incumbent on the United States to watch the movement in its subsequent steps with particular attention, with a view to pursue such course as a just regard for all those considerations which they are bound to respect may dictate."[1]

For five years the government of the United States followed in the path thus outlined. It honestly tried to preserve neutrality—"to leave the parties to themselves"—and it diligently collected information as to the strength and stability of the new governments. In message after message Monroe reiterated his determination to maintain neutrality and to recognize the independence of the Spanish colonies when, but only when, the fact of independence was convincingly established. It was not until March 8, 1822, that the President thought the time had come to recommend to Congress that steps should be taken to enable him to appoint diplomatic representatives to the former Spanish colonies. As Congress was much in advance of the President on this subject, the measure recommended was passed without serious delay, and became a law May 4, 1822.[1]

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[1] Rush to Rodney and Graham, commissioners, etc., 18 July, 1817; *State Dept. MSS.*

Up to this point, the action of the United States had far outstripped that of other nations, but, in respect to Mexico at least, a series of delays now began which it is not easy to explain. For some reason Monroe shrank from the performance of a positive act of recognition, and it was not until nearly a year after Congress had authorized the appointment of a minister that he attempted to fill the place. His first choice was Andrew Jackson, but Jackson, in a rather cool note, declined the post.[2] Almost another year passed, and then the nomination of Ninian Edwards, who had been governor of Illinois and a senator from that State, was sent in to the Senate. Edwards was confirmed, but before leaving for his post resigned the office on grounds entirely unconnected with Mexico.[3] Monroe's next choice was Joel R. Poinsett, of South Carolina; but, owing to the exigencies of the presidential campaign, his actual appointment was delayed.[4] It was not until Adams was inaugurated that the credentials and instructions of the new minister were prepared, and it was not until the first of June, 1825, that he was officially received by the President of the Mexican republic.[5]

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[1] 3 Stat. at Large, 678.

[2] Jackson to Adams, March 15, 1823, in volume of instructions entitled, "Joel R. Poinsett, Mexico"; *State Dept. MSS.*

[3] Edwards's *History of Illinois*, 134.

[4] On July 8, 1824, Calhoun, then Secretary of War, wrote to Poinsett as follows: "You have seen Gov. Edwards's resignation. The place is not filled. Would you accept of it? If you would, the President will confer it on you." Southard, the Secretary of the Navy, also wrote to him on July 17, to the same effect. Poinsett, however, was unwilling at that time to resign his seat in Congress, because it already seemed likely that the presidential election might be thrown into the House of Representatives, in which case the vote of South Carolina would be important; and if he resigned, the views of his successor on the subject of the presidential succession could not be foretold.—(*Poinsett MSS.*)

[5] Adams was inaugurated March 4, 1825. Poinsett's credentials are dated March 14, and his very voluminous instructions March 26, 1825.

The British government followed in the footsteps of the United States, but at a considerable distance. So long as Castlereagh lived no steps were taken looking to a recognition of Mexican independence, although as early as 1817 Brougham had questioned the ministry as to the affairs of Montevideo and incidentally as to the condition of the other Spanish-American colonies.[1] It was not until Canning entered the Foreign Office in September, 1822—six months after the President of the United States had publicly committed himself to the policy of recognition—that any steps looking to that end were taken by Great Britain.

Canning's determination to take up the cause of the revolted colonies was not adopted from any theoretical love of struggling nationalities or from any liking for revolutionary principles. He had joined a cabinet of which a majority were "Ultra Tories . . . unqualified by liberal opinions upon any subject whatever," [2] and he himself was absolutely opposed to internal reform. His decision was based solely upon two very practical considerations—fear of France and the urgency of British merchants. He himself boasted that his action had been part of a successful effort to oppose the ambitions of the French government—"I resolved that if France had Spain, it should not be Spain with the Indies"—but, although the successful French war in Spain in 1823 unquestionably stimulated his action, the insistent demands of British traders were the real determining factors.

Ever since the outbreaks in the several Spanish colonies the former rigid restrictions against foreign commerce had disappeared of themselves and a very large trade with both the United States and Great Britain had sprung up. It was asserted by Canning, and apparently not denied by Spain, that there was a "complete understanding" that this trade was not to be molested.[3] Nevertheless, after 1814 British as well as American ships were seized on the one hand by the Spanish authorities and on the other by the piratical privateers that sailed under various South American flags.[1] Petition after petition was presented to Parliament by British merchants urging that something should be done to put a stop to an intolerable state of affairs. Brougham and Mackintosh in the House of Commons, and Lansdowne in the House of Lords, following in Clay's footsteps, called public attention to the tyranny of Spain and the indomitable resolution of the colonists.

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[1] Hansard, 1 ser., XXXV, 1196 *et seq.*

[2] Stapleton's *Political Life of Canning*, I, 127.

[3] *Ibid.*, I, 168; II, 11.

In the latter part of 1823 Canning fairly entered upon the path of recognition. Following the precedents set six years before by the United States, he sent commercial agents and commissioners to the Spanish colonies to collect information; and at last, in 1824, though opposed by some of his colleagues and by the King, he committed the ministry to the principle of recognition by the issuance of full powers to a British agent to negotiate a treaty with Buenos Ayres. Like instructions for a treaty with Mexico were signed on January 3, 1825, and Henry George Ward was received as chargé by the Mexican government on May 31 of the same year. England thus anticipated by one day the presentation of the credentials of the American minister to Mexico.

Spain, still laboring under self-delusions and still bent on wasting the remnant of her strength in carrying on a hopeless and barbarous war, was violent in her remonstrances against the course of the United States and Great Britain. She could see no ground upon which they could sanction causeless rebellions or recognize "the momentary triumph of violence over justice," and she asserted her determination never to abandon her legitimate rights.

These impotent expressions of anger failed to stir either the American or the British governments. Adams in 1822 and Canning in 1824, in almost identical terms, replied that the act of recognition involved no question as to the rights of the parties, and that therefore Spain had no legitimate grounds of complaint. There the matter rested, for in neither case was Spain prepared to make the recognition of her former colonies a *casus belli.*[1]

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[1] "We have been made to feel sensibly the progress of this contest. Our vessels have been seized and condemned, our citizens made captives, and our lawful commerce, even at a distance from the theatre of the war, been interrupted."—(Rush to Rodney and Graham, July 18, 1817; *State Dept. MSS.*)

The other governments of Europe, still under reactionary influences, preferred to follow the lead of Spain rather than the lead of England, and recognition was in many cases long delayed. Ultimately, however, it was conceded. Treaties were entered into with several of the German states, Denmark, and the Netherlands in 1827, and with France after Louis Philippe came to the throne in 1830.[2] Spain herself yielded when Ferdinand VII was dead and the young Isabella reigned in his place.[3]

Among the most reluctant sovereigns to face the fact of successful rebellion was the Pope. By an encyclical dated September 24, 1824, addressed to the bishops and archbishops in America, Leo XII, lamenting the impunity of the wicked, the increasing plague of books that brought authority into contempt, the existence of secret societies, and the disturbance of public peace, instructed the American prelates that a happy issue out of all these afflictions could only be found by preaching the supreme duty of obedience to legitimate authority and the pre-eminent and distinguished qualities of Ferdinand of Spain, "who prefers, before all else, religion and the happiness of his subjects."[4]

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[1] The correspondence here referred to will be found cited in Paxson's *Independence of the South American Republics*, 174, 244, 252.

[2] Dublan y Lozano, II, 136, 184, 190, 491.

[3] *Ibid.*, III, 389. Treaty of Dec. 28, 1836. This tardy action was doubtless hastened by the friendly insistence of the United States, which had for years been urging upon Spain the expediency of recognising the independence of the revolted colonies. See *Amer. State Papers, For. Rel.*, VI, 1006; H. R. Doc. 351, 25 Cong., 2 sess., 533–553, 668–698, etc.

[4] "*Persuasum profecto est Nobis hoc gravissimum negotium ad felicem exitum, Deo adiuvante, vos perducturos fore cito, si apud Gregem Vestrum clarescere faciatis praesentes, eximiasque virtutes charissimi in Christo Filii Nostri Ferdinandi Hispaniarum Regis Catholici, qui nihil Religione, et subditorum suorum felicitate potius habet, sique ante oculos omnium, eo quo par est zelo, posueritis illustria et nullo unquam tempore interitura exemplo eorum Hispanorum in Europa existentium, qui fortunas, vitamque suam nihil estimarunt, ut seras Religioni ac Legitimae Potestati semper fidelissimos ostenderent.*" "The encyclical," said Tornel, "afforded the Mexican clergy a brilliant opportunity of showing their patriotism, of which, however, they failed to avail themselves."—(*Breve Reseña*, 60.)

But at last even the Holy See itself relented. After Spain had consented by treaty to recognize the independence of Mexico, a Mexican envoy, who had been knocking at the Vatican gates for several years in vain, was officially and graciously received in 1837 by Pope Gregory XVI, who promised to send an *internuncio* in return.[1]

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[1] Rivera, *Historia de Jalapa*, III, 320.

CHAPTER III

THE PEOPLE OF MEXICO

THE nation which had thus acquired an acknowledged independence occupied a territory covering almost one million seven hundred thousand square miles,[1] and inhabited by some seven millions of people.[2] The area of this imperial domain was nearly fourteen times larger than that of Great Britain. It was more than eight times the area of France; nearly nine times that of Spain; and was approximately equal to the then area of the United States.[3]

With respect to the number of their population, the United States and Mexico had probably been much on an equality near the beginning of the century. But while the Mexican population had very slowly increased—the natural growth being checked by a constant and peculiarly savage warfare—the inhabitants of the United States, living in peace and plenty, and aided by a large immigration, were increasing at a rate of about thirty-five per cent every ten years. In 1825 they probably numbered over eleven millions.[1]

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[1] The exact area was not then known, or indeed ascertainable, for the boundaries between Mexico and its southern neighbors, Guatemala and British Honduras, had never been fixed. The northern limits were in like manner quite unknown until they were settled by the Florida treaty in 1819. The exact area of modern Mexico *plus* her lost provinces, as given by the United States government authorities, is 1,697,916 square miles.—(Romero's *Mexico*, 5, 8.) Humboldt, in giving the boundaries of New Spain, took into account only those portions of the continent which the Spaniards occupied, and his estimate amounted to only 900,000 square miles.

[2] The statistics of the Mexican population were extremely vague. Humboldt, basing his calculations on an imperfect official census of 1793, concluded that the total number of inhabitants in 1803 was *not less* than 5,837,100.—(*Essai Politique*, I, 53–65.) Another estimate, made in 1810, gave a total of 6,122,354.—(Bancroft, *History of Mexico*, III, 736.) Poinsett in 1822, using Humboldt's figures and his calculations of the rate of natural increase, and allowing for the destruction caused by twelve years of civil war, estimated the population at about 6,500,000.—(*Notes on Mexico*, 110.) From precisely the same data Ward in 1827 concluded that the population must amount to 8,000,000 (*Mexico*, I, 21); but as the official estimates only showed a population in 1839 of 7,016,300 (Dublan y Lozano, V, 154) it is probable that Ward's figures were much too high.

[3] This must be understood as excluding the "Oregon Country," then jointly occupied by the United States and Great Britain, and as assuming the northeastern boundary to be that subsequently fixed. The area of the territory so bounded was 1,817,888 square miles.—(*The National Domain*, 12, 29.)

The two countries were, moreover, very different in respect to the composition and distribution of their population. The only portion of the dwellers within the boundaries of the United States of which its census took account had sprung exclusively from European and African immigrants. Settling originally on the shores of the Atlantic Ocean and the Gulf of Mexico, they had gradually pushed their way inland along the more accessible and fertile valleys. The densest population was in the New England and Middle states, with a diminishing ratio of inhabitants to the square mile in the South and on the eastern slopes of the Mississippi valley. The mountainous regions and most of the country west of the Mississippi were practically uninhabited except by "Indians not taxed." In Missouri and Arkansas there was a population of perhaps a hundred thousand, of whom about five thousand were in the flourishing town of St. Louis.

In Mexico, likewise, the *Indios bravos*, the wild Indians, were not enumerated, but the rest of the population was composed in the main of the descendants of those whom the Spanish conquerors had found in possession three hundred years before. Their grouping had not materially changed in that time. The hot, unhealthy country on the coasts was thinly settled. The densest population was still found in the interior along the high central plateau from Oaxaca on the south to Zacatecas on the north. The intendancy of Vera Cruz, which stretched for nearly six hundred miles along the Gulf of Mexico and included the only important seaport on the Atlantic side, had not more than five inhabitants to the square mile.[2] Connecticut, Rhode Island, Massachusetts,

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[1] The census of 1800 showed a total of 5,305,941 inhabitants; that of 1810, 7,239,903; and that of 1820, 9,638,191. According to Gilman's formula (*Science N. S.*, XXXII, 276) the population in 1825 was 11,134,000.

[2] Humboldt, *Essai Politique*, I, 155. The proportion cannot have varied much between 1803 and 1825.

New Hampshire, and Maine, with a coast-line and area about the same as those of Vera Cruz, had not less than twenty-five inhabitants to the square mile.[1]

North of Zacatecas, in San Luis Potosí, Durango, and Sonora, in Texas, New Mexico, and the Californias, there was no considerable population. Humboldt had estimated the density of population in the intendancy of San Luis Potosí at thirteen, and in Durango at less than two to the square mile.[2] But these were mining regions, and the long wars had done infinite mischief to that industry and before 1825 had brought about a great decrease of population. North of the frontier mining camps there was almost nothing. The vast region from Texas to California was all but uninhabited. There were a few missions, a few ranches, and some little towns like Santa Fe; but the greater part of the country was dominated by the unsubdued Indians, few in numbers but formidable in war. The Apaches and Comanches were always an insuperable obstacle to Mexican expansion.

In another respect the distribution of population was markedly different in Mexico and the United States, and that was in relation to the size of the cities. In 1825 the city of Mexico had over a hundred and fifty thousand inhabitants; the city of New York probably a little more. Guadalajara was larger than Baltimore, and Puebla than Boston. Guanajuato, though nearly destroyed by the civil wars, still remained as populous as New Orleans.[3]

Adam Smith, writing fifty years before, had noticed this tendency to growth in the chief cities of all the Spanish colonies, but he did not attempt to seek its cause.[4] A French economist attributes it to a variety of causes: an inherited Moorish habit, a desire on the part of the small number of white conquerors to keep united for defence, the fact that the emigrants from Spain were not usually part of the rural population. And he lays it down as a general rule that when the population of a new country is observed to flow to the towns, it may certainly be concluded that production is small; that the majority of the colonists are idlers, speculators, or government officials, and not workers; and that beneath them there is a conquered people whose labor is exploited for the benefit of the victorious class.[1] Such certainly were the conditions in New Spain.

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[1] 24.19 by the census of 1820.

[2] *Essai Politique*, I, 282-294.

[3] Poinsett gives the population of the city of Mexico in 1822 as 155,000; Guadalajara, 70,000; Puebla, 60,000; Guanajuato, 31,820.—(*Notes on Mexico*, 41, 94, 110.) In 1820 the population of New York was 123,706; of Baltimore, 69,738; of Boston, 43,298; of New Orleans, 27,146.

[4] *Wealth of Nations*, book IV, chap. VII.

The proportion of persons of pure European descent was almost exactly reversed in the United States and Mexico. In the former, according to the census of 1820, about eighteen persons out of every hundred were wholly or partly of African blood, the rest of those enumerated being of unmixed European ancestry.[2] In Mexico, at the beginning of the century, it was estimated that only eighteen per cent of the population was pure European, while sixty per cent was pure Indian, and twenty-two per cent was part European and part Indian. It may well be doubted whether these estimates were accurate. The native population was notoriously averse to being counted, and Humboldt for this reason added one-sixth to the official figures in order to cover the deficiency; and besides, many persons who passed as white were in reality part Indian. Relatively few Spanish women came to Mexico, so that the children of the immigrants generally were the offspring of a union with an Indian woman, or at least a woman having some proportion of Indian blood. "Few of the middling class," says Ward "(the lawyers, the curas or parochial clergy, the artisans, the smaller landed proprietors, and the soldiers), could prove themselves exempt from it"; but at the same time purity of descent during the Spanish rule was considered so great a mark of superiority that at that time most people would be disposed to deny Indian descent.[3] But whatever the proportion of people of pure European descent, it probably varied little during the first quarter of the nineteenth century; or, if anything, the percentage of white people diminished.[1]

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[1] Leroy-Beaulieu, *Colonisation chez les Peuples Modernes* (4th ed.), 7.

[2] The exact figures were: colored, 1,781,652; white, 7,856,539. This made the colored population 18.49 per cent of the whole. The proportion diminished slightly in the next ten years.

[3] Ward's *Mexico*, I, 20–25.

The foreigner coming to Mexico from the United States or the West Indies was struck by the fact that there were almost no negroes. Poinsett, coming from South Carolina in 1822, on his first visit to Mexico, noted that the pure negro race was nearly extinct. He had seen not more than twenty negroes in six weeks' travel. The census of 1793 gave six thousand as the total number in the whole of Mexico, most of whom were near the seaport towns of Vera Cruz and Acapulco; but by 1825 the race, in the absence of importation, had probably become practically merged in the predominant Indian population. After two crosses with the Indians, all traces of negro blood seemed to disappear.[2]

The contrast in this regard with the United States was certainly striking. The number of negroes there in 1825 was about two millions, of whom less than three hundred thousand were free.[3] Negro slavery was one of the most conspicuous and disturbing elements in the United States. In Mexico it was practically unknown. Not, indeed, that it was prohibited by law, for in other Spanish colonies, such as Cuba, it had been considered essential; but economic conditions in New Spain never made African labor profitable, and the slave trade had been naturally diverted to Havana and Caracas. Nor did the independent government of Mexico think it necessary to abolish slavery. The Constitution of 1824 was silent on the subject, and the constituent Congress contented itself with passing a law prohibiting the slave trade.[4]

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[1] Romero's *Mexico*, 76; Alaman, *Historia de Méjico*, I, 21.

[2] Poinsett, *Notes on Mexico*, 141; Humboldt, *Essai Politique*, I, 130; Ward, *Mexico*, II, 101. But see Thompson, *Recollections of Mexico*, 188, who thinks that there were few mulattoes or zambos in the country, and considers these types remarkably distinct.

[3] The census figures were as follows: In 1820 there were 1,531,436 slaves and 233,396 free persons of color. In 1830 there were 2,009,043 slaves and 319,599 free persons of color.

[4] Dublan y Losano, I, 710, Decree of July 13, 1824. Hidalgo, by a decree dated Dec. 6, 1810, had required all masters to free their slaves within ten days, under penalty of death; but no one paid any attention to this edict.

The fact was, of course, that the Spanish conquerors had found Mexico well populated by a docile race, of whom they readily made competent workmen. The Indians were good agricultural laborers and soon learned to be quite exceptional herdsmen. As mining was developed, they became miners of a sort. And in general it may be said that without serious exceptions, the Mexican Indians, either pure-blooded or mixed with some small infusion of African or European blood, were the laboring men of the country. In the cities and in some country districts there were white men working for daily wages, but they were relatively few in number.[1]

> "These Indians," wrote an American traveller in 1822, "are much darker than those of our borders, their hair is straight and glossy, the lips rather thick, the nose small and the eyes inclining upward like those of the Chinese and Mongols. Their bodies are stout and their limbs nervous. They are not generally tall, but are strong and active. According to our notions of beauty, they are not a well-favored race."[2]

Their intellectual and moral qualities were the subjects of long and eager discussion. The Spanish conquerors, who found a profit in utilizing their labor, considered them as a grossly inferior race and accused them of the most disgusting vices. The clergy, on the other hand, lauded their intelligence and goodness, and appealed to the home government to protect them. Of the seven deadly sins, wrote Archbishop Palafox, there were five of which the Indians were rarely guilty, namely, avarice, pride, anger, ambition, and envy. As for idleness, their masters saw to it that they were cured of that sin. And as for lust, it was only the result of drink, and their self-indulgence extended to drink alone, for they were not gluttons, being very sparing in food. And so, the worthy archbishop concluded, it may be said that out of these deadly sins the Indians fall into half a one only, while the rest of us are so much afflicted by all seven.[1]

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[1] The paternal Spanish government was always afraid that the Indians would be ill-treated and corrupted by the whites, and it tried to keep them distinct. It was very early provided that they must inhabit separate villages from which Spaniards and negroes were to be excluded.—(*Recopilación de Indias*, leyes 21–24, tit. 3, lib. 6.) These provisions were, of course, unavailing.

[2] Poinsett, *Notes on Mexico*, 80.

The native population was indeed singularly abstemious in respect to eating. The banana, raw or fried, was the one great resource wherever it grew. In all parts of the country *tortillas*, a kind of corn-cakes or flapjacks, were a perpetual reliance; and *frijoles*, or stewed beans, were nearly as common. Meat, when eaten at all, was generally stewed with formidable quantities of chili—for pepper was as necessary to the Mexicans as salt. A very admired dish was the *puchero*, a compound of all sorts of meat and vegetables consisting, as one disgusted American declared, "of about as many different things as were contained in the sheet which St. Peter, with less reason than we had, thought unclean."[2]

The most notable defect of the Mexican Indians was their love of strong drink. They were also indolent and untrustworthy, and they did not always exhibit a lively sense of the respect which is due to other people's property. They were naturally of a gentle disposition and crimes of violence were rare among them.

> "To the honor of the Indian race," says a Mexican author, "and for the good fortune of the country, it may be affirmed that no other race in the world has been more provoked to wrong-doing by speech and by example, and more removed from well-doing by ignorance, oppression and poverty, and that nevertheless has committed fewer crimes."[3]

But back of the apparent apathy of the Indians there was a steadily burning flame of hatred to the Spaniard, and it was this feeling which, in large measure, brought together the ragged multitudes that followed Hidalgo to kill and plunder the whites.

With these dispositions it was natural that the Indians should live from hand to mouth in a condition of abject poverty. They showed no desire to accumulate property or to better their condition by emigration. In the larger towns, as well as in the country, their condition was indeed deplorable. Thus Humboldt draws a gloomy picture of a visit to the woollen factories of Querétaro, where Indian and half-caste workmen were exclusively employed. He was disagreeably impressed, not only by the extreme imperfection of the technical methods used, but more particularly by the unsanitary conditions of the buildings and the ill-treatment to which the workmen were exposed. Convicts were farmed out and set to work side by side with freemen. All were half-naked, thin, and haggard. The factories were like gloomy prisons, the doors of which were constantly kept closed, for the men were not allowed to leave the buildings. Those who were married could only visit their families on Sunday. All were liable to be pitilessly beaten if they were guilty of the least breach of discipline.

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[1] "*Parece que puede decirse que de siete vicios, cabezas de todos los demás, solo incurren en el medio vicio, cuanto á los demás tanto nos afligen todos siete.*"—*Don Juan de Palafox y Mendoza*, 255 (Garcia, *Documentos Inéditos*, VII).

[2] Thompson, *Recollections of Mexico*, 143.

[3] Portilla, *España en México*, 91–98, where the subject of the character of the Mexican Indians is discussed at length.

> "It is hard to understand," he adds, "how the owners of the factories can act thus toward free men; how the Indian workman can suffer the same treatment as the convict. The fact is that the rights asserted by the owners are acquired by fraud. The manufacturers of Querétaro employ the same device that is used in some of the cotton factories of Quito and in those farms where, for want of slaves, labor is very scarce. Those natives are selected who are the very poorest, but who have some capacity for work. A small sum of money is advanced to them. The Indian, who loves to get drunk, spends his advance in the course of a few days. Having become indebted to his master he is locked up in the factory under pretence of paying off his debt by the work of his hands. He is allowed for wages only a real and a half, or twenty cents, a day; but instead of paying him in cash, care is taken to supply him with food, spirits and clothing, on the price of which the manufacturer makes fifty or sixty per cent. The hardest working laborer, by this means, remains constantly in debt, and his masters exercise the same rights over him that are supposed to be acquired over a purchased slave."[1]

This was the notorious system of peonage, a system which lingered in many places long after Mexican independence had been achieved. Under it the Indians were in many places nothing but serfs attached to the soil.[1]

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[1] Humboldt, *Essai Politique*, II, 667-668.

Legally, the Indians were placed by the Spanish government in substantially the same category as minor children, and in many ways the law endeavored to protect them from the consequences of their own acts. After independence they were men before the law, but mentally and morally they remained children.

The life of great cities was disastrous to the Indians, and those in the city of Mexico were much more degraded and drunken than anywhere else in the country.[2] They formed indeed the whole of a distinct and most unprepossessing class of beggars and vagabonds. Not even in Naples were there such swarms of idlers. It was believed that in the city of Mexico, out of about one hundred and fifty thousand inhabitants, there were no less than twenty thousand who had no permanent place of abode and no ostensible means of gaining a livelihood.[3]

These people were locally known as *léperos*—lepers or outcasts. Their existence was due to a variety of causes. The Indians and half-breeds, of whom they were composed, hated work and had the simplest needs. They ate little meat and wore few clothes.[4] Begging was encouraged by a strong religious feeling that the sight of poverty and the giving of alms were good for the soul's health; and accordingly the convents indiscriminately succored those who crowded around their doors, the churches allowed privileged beggars to occupy year by year their regular seats at the church doors, and the exhibition of all sorts of disgusting deformities was permitted in the streets in order to stimulate the zeal of the charitable.[5]

[1] American slave-holders thought the Mexican proprietors merciless to the peons, attributing this to the fact that they had no property interest in the men themselves or their families.—(Mayer, *Mexico as It Was*, 202; Thompson, *Recollections of Mexico*, 7.)

[2] Beltrami, *Le Mexique*, II, 263.

[3] Poinsett, *Mexico*, 49, 73; Ward, *Mexico*, II, 50–52; Mayer, *Mexico as It Was*, 41, 55.

[4] Their nakedness was more covered when foreign trade made clothing cheaper, after 1825.—(Ward, *Mexico*, I, 17.)

[5] The official recognition and encouragement of mendicity was distinctly Spanish. "*La mendicité avait pris en Espagne le caractère d'une véritable institu-*

In the country districts the Indians lived in the rudest huts, and even the better class of houses in the great haciendas and in the villages were of a very simple construction. The only really substantial buildings usually found were churches and convents. But in the principal cities, amid many flimsy buildings, stood great houses of the rich Mexicans, built of stone in the Andalusian style, round a *patio* or court-yard. They were generally of not more than two stories, but as the ceilings were eighteen or twenty feet high the façades were not disproportionately low. There was but a single door to the court-yard, and about it were grouped, on the ground floor, the porter's lodge, the stable, kitchen, and other household offices. It was not uncommon to have the front on the street used for shops. Stairs from the *patio*, open to the weather, led up to the family quarters, which were connected by covered galleries that ran round the inner walls, and were often filled with shrubs and flowers. The flat, paved roof, or *azotea*, served the purposes of a veranda, and its heavy stone parapets were just of a height to be convenient for street-fighting.

Nowhere in the world were there greater contrasts of wealth and poverty than in Mexico. In the United States, in 1825, wealth was not accumulated in one place or in a few hands, but was diffused over the whole community. In Mexico, on the other hand, a few owners of mines and ranches, and a few rich dignitaries of the church visibly enjoyed nearly all the wealth of the nation.

Almost the only well-to-do people were to be found in the cities, for life in the haciendas was, as a rule, too lonely and sometimes too dangerous for any one who could afford to live elsewhere. The city of Mexico, as the seat of the old viceregal court, was the social as well as the political centre, the other towns being but pale provincial copies of the capital.

Social life in the capital was a well-regulated and simple affair. At five in the afternoon the whole fashionable world turned out in the Alameda, the women in the great painted

tion nationale."—(Desdevises du Dezert, *L'Espagne de l'Ancien Régime*, I, 246.) As to the efforts to suppress it in Spain, see Rousseau, *Règne de Charles III*, II, 279–283.

Spanish coaches which were just beginning to be exchanged for smart London or Paris carriages, now become attainable, the men on horseback, dressed in gaudily embroidered jackets and equipped with amazing spurs and bridles and saddles of the most showy and expensive kind. In the evening everybody went to the theatre. The single men had their stalls, families their boxes. Pretty much the whole house smoked through the performance—the men and the women, the pit and the boxes.

The theatre was the general meeting-place of society, for dinners and dances were rare, and the evening parties (*tertulias*) can hardly have been gay. Unmarried young ladies were not expected to speak to young men; but they could dance, while their elders generally played cards. The pleasantest entertainments were *al-fresco* dances in the suburbs. There were also masked balls two or three times a year in the theatres, but it was not thought very proper to be seen there.

Marriages, as a matter of course, were arranged by the parents, and often a bride hardly knew her husband by sight when they stood before the altar. Yet such marriages generally turned out well. Family relations were close and affectionate, and the women for the most part found their happiness in their households and their children. It was not considered at all necessary that they should be well educated.

> "Generally speaking," said an acute observer, "the Mexican Señoras and Señoritas write, read and play a little, sew, and take care of their houses and children. When I say they read, I mean they know how to read; when I say they write, I do not mean that they can always spell; and when I say they play, I do not assert that they have generally a knowledge of music. If we compare their education with that of girls in England or in the United States, it is not a comparison, but a contrast." [1]

There was great outward decorum in the relations of the sexes, and, whatever might be suspected, it was always difficult to perceive any evidence of wrong-doing.[2]

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[1] Calderon, *Life in Mexico*, 179. The author, Madame Calderon de la Barca, was a Miss Inglis, of New York.

[2] *Ibid.*, 181.

The Mexican ladies dressed for great occasions with lavish splendor, and made a great display of jewels. The possession of diamonds or pearls was, however, no proof of great wealth, for precious stones were regarded as a safe and convenient form of investment in which a man's fortune might be locked up.

There were then, of course, no clubs, in the English sense of the word. Men met and heard the news and talked politics in cafés. The nearest approach to a social or political organization was to be found in the Masonic lodges, which had been successfully established near the very beginning of independence. The fundamental principle of that order—the fraternity of all men—and the apparent indifference of its members to theological beliefs had always arrayed the Roman Catholic Church against it, and indeed against all secret societies. *Damnantur clandestinae societates*, were the words of an infallible Pope;[1] and so long as ecclesiastical authority was in full vigor in New Spain Freemasons were not tolerated in the kingdom. But when Mexican delegates sat in the Spanish Cortes under the Constitution of 1812, some of them were initiated under the ancient Scottish rite, so that in 1820 and afterward Masonic lodges were established in Mexico, and came to be exceedingly influential bodies.

As in all Spanish tropical possessions, cock-fighting was the most popular of amusements. Bull-fighting, in the true Spanish sense of the word, had not yet found a place in Mexico, for though the bull might be lanced by picadors and stabbed by banderilleros, his horns were blunted and often he was not killed. In the country districts the *rancheros* amused themselves by exhibitions of their skill in roping and throwing and riding wild cattle. Even in the bull-ring these feats were performed, to the horror, one may imagine, of the Spaniard educated in the classic school of tauromachy.[2]

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[1] Pius IX, in 1864, in the bull *Quanta cura*.

[2] A ludicrous account of a Mexican bull-fight as performed at Monclova will be found in the *Life of Benjamin Lundy*, 71–73.

Outside the cities, and wherever water could be found, bathing was a frequent amusement. The traveller as he rode along found groups of both sexes bathing in rivers, lakes, tanks, or fountains, and generally, as British observers thought, with very few scruples as to publicity.[1] The Indians in many parts also made use of a rude steam bath called the *temezcalli*,[2] which was not unlike that used by the Sioux.

Gambling was universal.[3] Beggars gambled in the streets, coachmen and footmen at the doors of the theatres while waiting for their masters. There were said to be hundreds of small gambling-houses in the metropolis, always open. In accordance with a long-standing tradition the feast of Whitsunday was always celebrated at the village of San Agustin de las Cuevas, a suburb of the city of Mexico, by the opening of public tables for a period of three days. The most respectable people were to be seen there, and the crowd was mostly well dressed, although there were tables where the stakes were in coppers, while at others the lowest bet permitted was a gold ounce.

All the institutions of New Spain had naturally and necessarily been derived from the mother country, as those of the United States had been derived from England; but New Spain was a much older country than the British colonies. Within fifty years after the first discoveries of Columbus the Spanish King had established in his colonies a complete administrative, economic, and religious system. Great cities, well planned, with solid buildings in the grave and serious character of Spanish sixteenth-century architecture—forts, aqueducts, palaces, theatres, cathedrals, convents, and hospitals—existed in the Spanish colonies before the huts of Jamestown and Plymouth had been raised by the ill-equipped and undisciplined English settlers. Empires had been created and laws had been established by the paternal government of Spain before English official indifference had even granted permission to private enterprise to undertake colonial adventures. Spain was a hundred years before England in colonizing the New World, and much more than a hundred years before her in developing a consistent and well-planned system of colonial administration, and the most conspicuous, as well as the most powerful of the institutions introduced into Mexico by the Spanish government was the Catholic Church, with its powerful adjunct, the Holy Inquisition. During the whole period of Spanish supremacy religious influences were quite as important as political, and left a far deeper mark on the manners, morals, and intellectual tendencies of the people.

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[1] Lyon, *Mexico*, I, 318.

[2] Calderon, *Life in Mexico*, 134.

[3] As it was in Spain in the eighteenth century.—(Desdevises du Desert, I, 243.)

Between them the Spanish governors and the Roman clergy contrived to create and preserve rigid and uncompromising religious uniformity. The welfare of the church was borne in mind by the civil authorities quite as anxiously as the welfare of the state. To keep religion pure, heresy was as carefully excluded from the Spanish colonies as foreign visitors or foreign manufactures, and it was in order that this work should be thoroughly done that the Inquisition was first imported into New Spain.

In the half century that followed the Spanish conquest the bishops had exercised inquisitorial powers, and they so continued until Philip II determined that the work was too heavy for them. He had found that reformers were introducing heretical books and translations of the Scripture into the New World, and were even attempting to send missionaries in the guise of Flemish and German traders, who, as Spanish subjects, were permitted to visit the colonies. In order to preserve the faith and to pursue the heretics—whom the King pleasantly characterized as wolves and dogs—a branch of the Inquisition was established in Mexico in November, 1570, and it exercised a wide-spread and highly efficient jurisdiction for two hundred and fifty years. Indeed, so efficient was the machinery that in the eighteenth and the beginning of the nineteenth centuries the tribunal almost came to an end for want of business. There were no heretics left, and complaints of bigamy, witchcraft, and soliciting by priests in the confessional became almost the only cases tried before it.

A more active branch of the business was the censorship of books and pictures, and these functions became more important when the outbreak of the French revolution led to the spread of a spirit of liberalism throughout the world. That spirit became more and more earnest, until it assumed extravagant forms when Hidalgo raised the cry of independence, and thenceforward the Inquisition was a willing coadjutor of the military power in seeking to suppress the revolutionists. Hidalgo and Morelos, being priests, were both tried by the Holy Office.

The liberal Spanish Cortes in 1813 decreed the suppression of the Inquisition, but it was re-established by Ferdinand VII immediately upon his restoration in the following year. There was therefore a short period of about eighteen months during which the functions of the Inquisition were dormant; but in 1820, after Riego's rebellion, the Inquisition was finally suppressed in Mexico, and on June 16th of the same year it was officially reported that the tribunal had ceased all its functions and that it remained in a condition of absolute extinction. It never was revived.[1]

Thus ended what an eminent Spanish author described as "one of our most national and purest institutions,"[2] but its age-long influence over national character and modes of thought continued until at least a generation had passed away.

The suppression of the Inquisition was by no means the only modification in ecclesiastical matters which the revolutions in Spain and Mexico brought about, although in the latter country at least the changes effected were extensive rather than radical. The wealth and numbers of the clergy were reduced, but the legal situation and the moral influence of the Church of Rome were not, at first, seriously affected.

Under the government of the Catholic Kings the church establishment in New Spain had so prospered that at the beginning of the nineteenth century there were probably not less than ten thousand of the clergy, divided nearly equally between the regular and secular bodies, who enjoyed revenues from tithes, fees for masses, and other sources, amounting to several million dollars a year. They also administered an immense property in the numerous cathedrals, churches, and convents scattered throughout the settled districts. Besides the ecclesiastical buildings, they held large amounts of productive real estate, and a variety of trust funds, aggregating upward of forty million dollars, mainly invested in mortgages.[1] It was estimated that, either through direct ownership or by way of mortgage, the church controlled two-thirds of the land in the kingdom.[2] In addition to the clergy, there were lay brothers, servitors, and nuns whose numbers brought the estimated total of those "in religion" up to thirteen or fourteen thousand.

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[1] Lea, *The Inquisition in the Spanish Dependencies*, 196–299.

[2] "*El Santo Oficio, una de nuestras más españolas y castizas instituciones.*"—(Menendez y Pelayo, *Ciencia Española*, II, 95.)

The numbers and wealth of the religious persons in Mexico were indeed trifling compared either with the multitudes who lived by the church in Spain, or with the riches it had accumulated,[3] but the drain upon the economic resources of a poor country was steady and severe.

To a needy government the funds of the church offered a perpetual attraction, and few revolutionary administrations in either Old or New Spain failed to help themselves out of that abundant store. Not more than twenty millions of the principal of the church funds in Mexico remained in 1825, and it was with difficulty that either principal or interest could be collected from mortgageors. The church lands and buildings, however, were as yet untouched by the civil authorities, but measures were already under discussion looking to confiscation of the whole of the church property. It was also in contemplation to take from the clergy the collection of tithes.[4]

[1] Humboldt, *Essai Politique*, II, 474–476.

[2] Romero, *Mexico*, 340.

[3] For a detailed account of the Spanish church near the end of the eighteenth century see Desdevises du Desert, I, 38–120.

[4] Poinsett to Adams, April 26, 1827; *Poinsett MSS.*

The federal authorities were moreover engaged in a controversy over the *patronato* or power of appointment to church benefices. Trivial and sordid as such a dispute over patronage might seem, it yet involved consequences of a most serious character. The facts were simple. During the period of Spanish rule in Mexico all church preferment was in the hands of the crown by virtue of a concordat with the Holy See.[1] The moment independence was attained the question arose whether the ecclesiastical patronage theretofore vested in the Catholic King passed with other governmental powers to the new rulers of Mexico, or whether it was a personal privilege which had been vested in the King and his royal successors only, and which therefore could not be exercised by revolutionary authorities until revived by a new grant from the Sovereign Pontiff.

The clergy naturally maintained the latter view, the government the former, and as there was no one to decide the controversy but the Pope himself, one of the first acts of the new government was, as we have seen, to send an envoy to Rome; but, as the Roman Curia declined to receive him, no adjustment was then possible. It was not until 1830 that even a provisional *modus vivendi* could be hit upon,[2] and even after the independence of Mexico was formally recognized by the Holy See no definite settlement was arrived at—the Mexican clergy opposing all proposed solutions.

In this unsatisfactory state matters continued during the whole of the period covered by the present history. The church in Mexico, as a direct result of the revolution, paradoxically became more and more reactionary and ultramontane. The higher clergy were transformed from respectful servants of the crown into consistent opponents of the rulers of the state, and became active participants in almost every political contest. With even more reason than Gambetta might Mexican liberals have proclaimed: "*Le Cléricalisme—voilà l'ennemi!*"[1]

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[1] The relations between the Spanish government and the church were latterly regulated mainly by the concordat of 1753, which was continued in force in Spain until the middle of the nineteenth century. See Rousseau, *Règne de Charles III*, I, 111–115.

[2] Under the laws of May 22, 1829, and Feb. 17, 1830.—(Dublan y Lozano, II, 109, 226.)

The numbers of the clergy had also seriously diminished since Spanish times. Many priests, like Hidalgo and Morelos, had taken up arms in the revolution and had either been killed or had permanently abandoned the religious life. On the other hand, some of the higher clergy, the Archbishop of Mexico for example, had fled to Spain.[2] The refusal of the Papal government to recognize the Mexican republic caused other serious difficulties as time went by, for since the Mexican government had no diplomatic relations with the Holy See, nominations for bishoprics or cathedral benefices were not, for a long time, recognized, and the consequence was that episcopal vacancies remained unfilled, ordinations became difficult, or, in remote parts of the country, impossible, and the attractions of clerical life were in many indirect ways diminished.[3] From one cause or another it was reckoned that the total number of ecclesiastics had fallen off in 1825 to less than two-thirds of what it was at the beginning of the century. The diminution was principally apparent in the regular clergy, where it was contemporaneous with a great reduction in the revenues of the several convents.

Nevertheless the influence of the church upon the great mass of the people was not perceptibly diminished. One of the leading features of the constitutional documents of that day, the treaty of Cordova, the plan of Iguala, and the Constitution of 1824, was the provision that the national religion should be that of Rome, and that the exercise of any other should be prohibited. This erection of religious intolerance into a principle of government was in exact accordance with public opinion. The Mexican revolution had never had any of the characteristics of the French revolution. On the contrary, it had originated in a determination that a French sovereign and French ideas should not rule New Spain, and it had been supported to a great extent and even led by members of the clergy. Independence had been first proclaimed by the mouths of the rural priesthood; the justice of the cause had been advocated by them in the confessional;[1] the insurgents had marched under the banner of the Virgin of Guadalupe; and the military mutiny at Iguala had been planned and financed by dignitaries of the church. It was therefore not surprising that throughout Mexico the influence of the priest as the friend, adviser, and protector of his flock continued substantially unshaken after the revolution.

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[1] Alaman in his *Historia de Méjico*, V, 906–909, gives the clerical view of the controversy over the *patronato*. For the anti-clerical view, see the introduction to the fifth volume of *México á través de los Siglos*, pp. xxii–xxxii, by José M. Vigil.

[2] See Zavala, *Revolución de México*, I, 360–372.

[3] It was not until 1830 that the first nomination to a bishopric was confirmed by the Pope. But the places of the bishops who had fled to Spain were never filled as long as the incumbents lived.—(Bancroft, *History of Mexico*, VI, 581, *note*.)

Religious observances exhibited the grosser features of the Spanish and Italian Catholicism of that age, combined with some grotesque local practices. There were Mexican legends of saints of whom European Catholics had never heard, and whose memory was perpetuated by showy ceremonies and by pictures which foreigners thought hideous. Miraculous images were not uncommon.[2] Rockets and Roman candles, fiddling and dancing were usual accompaniments of religious celebrations.[3] "An eminent Mexican ecclesiastic" is said to have summed up the religious condition of his countrymen in the words, "*son muy buenos Católicos, pero muy malos Cristianos*" (they are excellent Catholics but very poor Christians), and the phrase was not unjust.[4]

The changes effected by the revolution caused other serious difficulties besides those which arose out of the lack of recognition by the Holy See. Thus when foreigners were allowed freely to enter and reside in the country; many of them were Protestants; and, even though they did not openly practise their religion, their presence gave rise to questions not easily solved. Mixed marriages were considered impossible, and Protestant funerals were the occasion for distressing scenes.[1] Protestant missions could not be tolerated, although the federal government was not disposed to interfere with the sale of the Bible.[2]

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[1] Viceroy Calleja to the Minister of War, Aug. 18, 1814; quoted in Ward's *Mexico*, I, 520; and see same volume, 502.

[2] Lyon's *Mexico*, I, 65, 80, 103–107; II, 27. Thompson's *Recollections of Mexico*, 105–115, 189.

[3] Mayer's *Mexico*, 142–155.

[4] Ward's *Mexico*, I, 250.

All education was, as a matter of course, under the strict control of the church. Here, as elsewhere in the Spanish dominions, from the first days of Spanish sovereignty to its close, "all advances of the human mind in the line of independent thinking, which disregarded tradition and the influence of religious and empirical forms, were . . . anathema."[3]

Within the limits prescribed by the Roman Church, however, the policy of Spain was not ungenerous. One of the main objects of both the church and the Spanish crown had been from the very first to christianize the Indians, and for this purpose an early decree had imposed upon the holders of royal grants of land the obligation of teaching their laborers religion and good manners (*la doctrina y buena policía*), and of maintaining a priest in each Indian village.[4] The practices of the church were accordingly duly taught, although without burdening the humble scholars with the arts of reading and writing. At the period of independence the vast majority of the inhabitants of Mexico were entirely illiterate.[5]

In the cities the proportion of those who could read or write was doubtless greater. For those who could afford to pay there were schools of no very great degree of excellence.

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[1] *Ibid.*, 263; Lyon's *Mexico*, I, 182; Mayer's *Mexico*, 141; *Tex. Hist. Quar.*, XI, 168. In 1824 a special burying ground was allotted "for foreigners who do not profess the exclusive religion of the state." See H. R. Doc. 351, 25 Cong., 2 sess., 460; Fagoaga to Butler, Nov. 22, 1832.

[2] Poinsett to secretary of Am. Bible Society, June 2, 1826; *Poinsett MSS.*

[3] Philippine census of 1905, I, 336.

[4] *Recopilación de Indias*, ley 37, tit. 9, lib. 6.

[5] One of the Spanish viceroys, the Marquis de Branciforte, was accused of saying that it was enough for Americans to teach them their catechism ("*que en América no se debía dar más instrucción que el catecismo*"). The remark, whether he made it or not, illustrates the latter-day attitude of the Spanish authorities, who were content to let the Indians grow up without other education than some imperfect and scanty knowledge of the tenets of their church.

> "Their method of teaching," wrote the American minister, "resembles that practised by the Arabs, and the boys may be heard a square off bawling out their lessons all together. It costs the parents a trifle . . . and most of them send their boys to school where they are taught to read, to write, to repeat prayers, and to cross themselves. The girls are not generally so fortunate and fewer among them read or write."[1]

The number of scholars was never very great. According to the census made in 1793 the total number in the city of Mexico was less than fourteen hundred, of whom seventy-eight were Indians.[2] There were similar schools in other large cities, such as Guadalajara and Puebla, but it was considered doubtful whether there were over three thousand children at school at any one time. The more liberal spirit which accompanied the revolution awakened the idea of general popular education, and efforts, more or less local and spasmodic, were made to accomplish that end. It is probable that the percentage of illiteracy had been materially reduced during the first quarter of the nineteenth century.

The higher education was not much better cared for. The University of Mexico was founded in 1551, and other universities established later at Michoacan, Guadalajara, Chiapas, and Merida never attained any vigorous existence. As in the Spanish universities, the course of study remained almost mediæval, and examinations for degrees were puerile. Theology, canon and civil law, rhetoric and the Aristotelian philosophy, comprised the bulk of the instruction; the study of Greek and of modern languages was little known, and research was discouraged. In Mexico the programme was much the same, but even greater importance was attached to theology.[3]

As early as 1578 a chair of medicine was established in the difficulty in showing that such a limitation as was now suggested had never been mentioned in the correspondence between the American consul and the Minister of Foreign Relations, but the troublesome question as to the next step he should take, still remained. He decided to go to Jalapa, where he could, as he said, communicate more speedily with his government, and there await its final instructions,[1] but he lingered in the city of Mexico for another three weeks, and sent home full accounts of the political situation in Mexico as he saw it. His views were naturally gloomy.

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[1] Poinsett to secretary of Am. Bible Society, June 2, 1826; *Poinsett MSS.*

[2] Humboldt, *Essai Politique*, II, 837.

[3] As to the Spanish universities at the end of the eighteenth and beginning of the nineteenth centuries, see Desdevises du Desert, *L'Espagne de l'Ancien Régime*, III, 186–205; Rousseau, *Règne de Charles III*, II, 313–325; Doblado's *Letters from Spain*, 109–117. In 1825 out of eighty professors in Mexican seminaries (who taught 1,444 students) there were twenty-four in theology, six

Writing on the twenty-seventh of December, he dwelt on the "unparalleled bad faith" of the Mexican government, "its gross falsification of the correspondence which led to my appointment, and the utter futility of the miserable sophistry by which it attempts to justify its conduct." His own course, he feared, might be considered too forbearing, but he was unwilling to take steps which would preclude subsequent attempts at negotiation and render war inevitable.[2] The difficulties of the situation due to party struggles were explained.

> "But," he added, "if all these parties be analyzed, they will be found to be mere personal factions, whose members, with very rare exceptions, have no other object in view than the elevation of some chief who will look with complacency upon any corruption or abuse of power that may be committed by his adherents. As for a people, in the proper sense of the term, it does not exist in Mexico, the masses are totally indifferent to all the revolutions that are going on and submit with the most stupid indifference to any masters that may be imposed upon them."[3]

While Slidell still tarried in the capital the long-expected revolt of Paredes broke out and was successfully carried through; and, as the Minister of Foreign Relations had pre-

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Dec. 11, 1845; *ibid.*, 60. Before writing to Slidell Peña may have learned what the United States Constitution did provide. Slidell was confirmed soon after the Senate met.

[1] Slidell to Peña y Peña, Dec. 24, 1845; *ibid.*, 39–40.

[2] Slidell to Buchanan, Dec. 27, 1845; *ibid.*, 33.

[3] Same despatch, *State Dept. MSS.* Extracts only are contained in the document as published.

dicted, the mere act of the government in allowing a diplomatic agent of the United States to land in Mexico was put in the very front of the statement of grievances.

Paredes began his revolution in the customary manner by causing a meeting of the principal officers of the army to be held on December 14. At this meeting General Romero, commanding the department of San Luis Potosí, was put up to explain that the administration of President Herrera had lost public confidence, because it had tried to avoid a war with the United States; because it had attempted to re-establish the civic militia, which was an insult to the regular army; because it had agreed to receive a commissioner with whom to treat in regard to the loss of national integrity, and because it had provoked anarchy by encouraging factions. A "plan" was at once adopted which proclaimed that, inasmuch as the plenipotentiary of the United States had entered Mexican territory and was inhabiting the capital of the republic, and as he had come by consent of the cabinet to buy Méxican independence and nationality, the army would support the protest of the nation against all subsequent acts of the present administration, which from this date would be held as null and void. The Congress and the executive authorities, it was declared, were to cease at once from carrying on their functions, the army would occupy the capital, and an extraordinary constituent Congress, without any restriction upon its august functions, would be summoned to establish a new Constitution. As soon as it was installed, the constituent Congress was to organize an executive power, and no authority was to exist but by its sovereign sanction. Departmental authorities were to continue in power until others might be substituted for them by the national representation. The army named as its chief in this political movement General Paredes, who was invited forthwith to adhere to these proposals, the army protesting solemnly at the same time that it had no thought of the personal elevation of the chief it had selected.[1]

On the next day Paredes by a formal manifesto accepted the plan of the army, protesting his disinterestedness and want of ambition, and promising to summon the new Congress as soon as the army occupied the capital.

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[1] Dublan y Lozano, V, 97-103.

Herrera's government, of course, denounced Paredes for his want of patriotism in failing to push the Texan campaign, referred to him and his supporters as "shameful cowards," and bitterly contrasted his acts with his loud professions of love for the country.

> "It is not," said the *Diario*, "the bad state of the Republic nor the war with Texas—in which he has never wished to take part but which he has always clamored for—that have induced General Paredes to rebel at San Luis. Other causes, more influential with him, have been the motives for his action. He doubtless hopes that as the movement to defeat General Santa Anna was initiated by him, he will become the idol of the nation; and he looks to take the place of the fallen tyrant. Fortunately the nation owes him little and has sufficiently paid him by its confidence. . . . General Santa Anna in 1841 summoned a commission in order that he might *freely* be elected for the Supreme power. To-day in like manner the proposed Congress will elect *freely* the soldier of the country, the defender of the integrity of our territory."[1]

All the authorities in the city of Mexico, and many of the authorities outside the capital, protested against the plan of San Luis. Congress on December 23 issued a manifesto denouncing the perfidy of the soldiers who had betrayed constitutional institutions by proclaiming the re-establishment of a dictatorship, summoning all the sons of the country to the support of their rights and liberty, and the defence of its institutions, declaring that all officers and soldiers of every class who failed to present themselves in support of the cause of the republic, and against the plan of San Luis, were to be degraded, and proclaiming that any act of persons under rebel authority would be null and void.[2] President Herrera also issued a proclamation of his own, denouncing Paredes personally and calling on the army to consider whether the man who had refused under false pretexts to comply with orders to reinforce Arista was likely to conduct them to the plains of Texas.[1] He further announced that he relied confidently upon the aid of the people and the special protection of divine Providence; but nevertheless, on the twenty-fifth of December he declared the capital to be in a state of siege.

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[1] *México á través de los Siglos*, IV, 546.

[2] Dublan y Lozano, V, 96.

At twenty minutes before eleven on the night of December 30 the entire garrison of the city of Mexico, with the exception of the troops stationed in the National Palace, mutinied on a signal given from the citadel. On the morning of the thirty-first these latter troops also announced their adherence to the pronunciamiento, and two hours later General Herrera left the palace as a private individual. A little before four o'clock on the same afternoon General Valencia, president of the council and commander of the troops in the city of Mexico, went to the Palace accompanied by a numerous staff, and took possession (it was said) of most of the cash in the Treasury. At the same time the bells of the cathedral and all the churches were rung, and the revolution was thus fully completed without the firing of a single shot. The garrison at the capital announced that it adhered *in toto* to the plan proclaimed at San Luis Potosí on December 14 by General Paredes; it named as its chief General Valencia, who was authorized to carry it into effect with certain additions; and Generals Tornel and Almonte were sent out as a committee to meet Paredes, who was approaching the city, to inform him of these events.

Under the constitutional laws of December, 1836, the president of the council was entitled to succeed temporarily to the presidency of the republic,[2] and immediately on Herrera's resignation Valencia had occupied the Palace. But Paredes, who had been twice disappointed in the revolutions he had begun, was by no means ready "to see the feast that was preparing turned into a banquet for a rival"; and Tornel and Almonte were sent back to the city with a message to the effect that General Paredes would not submit to any modification of his plan, nor listen to any suggestion of General Valencia's acting as President *ad interim*. If the garrison had been willing to support him, Valencia might have resisted; but the garrison had already sent in its adhesion to Paredes, who issued a sharp military order directing that he himself should be immediately recognized in the city of Mexico as the sole commander and legitimate authority, and that everything should be arranged for his reception in the capital on the following day, at which time he directed that a meeting be held to decide upon the definitive programme of the revolution.

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[1] Herrera's manifesto of Dec. 22, 1845; *México á través de los Siglos*, IV, 548.

[2] "*En las faltas temporales del Presidente de la República, gobernará el presidente del consejo.*"—(Leyes Constitucionales, 4a, Art. 9; Dublan y Lozano, III, 243.)

Valencia, seeing that the game was up, at once left the Palace, went back to his own house, and sent Paredes an assurance of his submission, adding that if his presence was an obstacle he would leave the republic for two years. Paredes merely replied that he did not consider Valencia or anybody else an obstacle. "I am resolved," he said, "to make my ideas triumph or to perish in the attempt, and as I am determined not to prosecute anybody on account of their previous acts, so I will shoot anybody who starts out to oppose me, whether he is an archbishop, a general, a magistrate or anybody else"; and as everybody at that time believed that Paredes was quite capable of doing exactly what he said, he was at once hailed as President of the republic.[1]

The revolution had thus far followed the normal course of Mexican revolutions. The small proportion of the inhabitants of Mexico who had any political influence at all, and especially the officers of the army, had become thoroughly dissatisfied with the government; whether rightly or wrongly was a matter of no consequence. Inasmuch as nobody in Mexico had ever had the slightest confidence in elections, which always resulted in the choice of the government's candidates, there was no hope of changing the government by anything short of a revolution. The men who were in office naturally wished to hold on to them, and the people of property were unwilling to take part in a revolution until they knew which side was likely to be successful. The revolution of 1845, like most others, was intended simply to exchange one set of rulers for another, and it began with a military mutiny. Until this military mutiny, which had originated, as all such movements usually did, outside of the city of Mexico, showed evident signs of being successful, Congress, the officers of the government, and all people of property loudly protested that they were unanimously on the side of the government. Nevertheless, secret influences were at work, and the moment the conspirators were able to win over the garrison of the city of Mexico, and the garrison proclaimed its adhesion to the revolution, all the people who had been professing themselves supporters of the government hastened to range themselves upon the side of the victorious mutineers, and the government fell like a house of cards.

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[1] *México á través de los Siglos*, IV, 553.

On January 2, 1846, Paredes made his public entry into the city of Mexico and issued a decree prepared at a meeting of officers over which he presided, declaring that the legislative and executive powers had ceased, because the holders of them did not comply with the desires and requirements of the nation and had not sustained the dignity of its name or the integrity of its territory, and directing that representatives of the various departments should be named for the purpose of appointing a President *ad interim*. The President so appointed was to execute the laws then in existence, but he might go beyond the powers conferred by them if necessary to prepare for the defence of the national territory, and he was to summon a new Congress to meet within four months at the capital. In other words, he was made a dictator pending the meeting of Congress.[1]

Paredes at the same time named the members of the commission who were to appoint the President—two from each department—and as they were all of them persons then in the city of Mexico, they met on January 3, and unanimously went through the formality of selecting Paredes as the President *ad interim*. On the following day the commission met again, and Paredes was sworn in, after which he "pronounced a discourse suitable to the circumstances."[1] On January 7 he appointed his cabinet, Castillo y Lanzas being Secretary of Foreign Relations, and General Almonte Secretary of War. Tornel was made president of the council.

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[1] Dublan y Lozano, V, 100.

Castillo had been secretary of legation and chargé d'affaires in Washington.

> "He is," wrote Slidell, "an intelligent and well educated gentleman, and were he permitted to exercise any control, would, as I have reason to know from free conversations with him at a time when he had no idea of being appointed to his present place, be decidedly favorable to an amicable adjustment of all questions pending between the two Governments. But Almonte is the leader of the cabinet, believed, and as I think with good reason, to entertain the most violent hostility towards the United States, and I doubt whether Castillo has sufficient energy to take any very decided stand in support of his opinions."[2]

Slidell's departure from the city of Mexico had all this time been delayed, ostensibly by his inability to procure an escort, the roads being notoriously unsafe, but in reality, as he wrote in the letter just quoted, because the Mexican government was waiting for President Polk's annual message, to see what the chances of a war over Oregon might be. The tone of that message, when it was received, of course encouraged Mexican hopes of war between the United States and Great Britain; and, as Slidell wrote a few days later, there was little prospect of a change of attitude on the part of Mexico so long as these hopes continued. But he still had some expectation that the financial embarrassments of Mexico might lead to their consenting to a negotiation.[3]

Slidell reached the pleasant town of Jalapa on the twentieth of January, and there awaited the instructions from Washington for which he had applied. It was not until late in the month of February that he received advices from the State Department. His conduct was in all respects approved, and he was directed to renew his application to be received as minister plenipotentiary. As to confining the negotiations to the adjustment of "the imaginary rights of Mexico over Texas," that, he was instructed, could not be tolerated. The two subjects of claims and boundary "must proceed hand in hand; they can never be separated." Should the Mexican government finally refuse to receive him, he was to demand his passports and return to the United States. "It will then," said Buchanan, "become the duty of the President to submit the whole case to Congress, and call upon the nation to assert its just rights, and avenge its injured honor."[1]

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[1] See *Acta de la Junta de Representantes de los Departamentos; ibid.*, 102.

[2] Slidell to Buchanan, Jan. 14, 1846; *State Dept. MSS.*; extract in H. R. Doc. 60, 30 Cong., 1 sess., 50. Castillo is described by a Mexican author as a man of vast learning, but with little diplomatic skill.

[3] Slidell to Buchanan, Feb. 6, 1846; *State Dept. MSS.*; extract in H. R. Doc. 60, 30 Cong., 1 sess., 56.

In accordance with these instructions, Slidell wrote to the Minister of Foreign Relations on March 1, 1846, referring to his correspondence with Peña y Peña, and stating that his course had been approved by the President of the United States, who (in view of the change in the government of Mexico) had directed that one more effort should be made to preserve peace. He therefore again submitted the question of his being received as envoy extraordinary and minister plenipotentiary.[2]

Castillo replied in a long letter, declining to receive Slidell on various grounds. In the first place, the display of force by land and sea which the United States was making would of itself be a sufficient reason. In the next place, the course which the United States had steadily pursued in respect to the annexation of Texas, a part of the territory of Mexico, which had been hers for so long without any interruption whatever, regardless of "the most unquestionable ownership and the most uninterrupted possession," would not allow Mexico to consent to such ignominy as to discuss a settlement. And finally, the reasons given to Slidell in December for refusing to receive him were repeated. The decision of the Mexican government on the point was declared to be "immutable."[1]

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[1] Buchanan to Slidell, Jan. 20, 1846; same to same, Jan. 28, 1846; *ibid.*, 53–55.

[2] Slidell to Castillo, March 1, 1846; *ibid.*, 63.

The action of the two successive Mexican administrations in refusing to receive an American minister ended all further discussion. Their decision had plainly been dictated by the exigencies of domestic politics. The opinions of the governing class had been too clearly declared to make it possible for any government to enter at that time upon negotiations with the United States; and although the men who were actually intrusted with the responsibility of carrying on the affairs of the republic must have had some perception of the inevitable result of a conflict, they could not have remained in office for a single day if they had openly defied the public clamor for war.

There was obviously nothing for Slidell to do but to return home, and he therefore wrote to Castillo demanding his passports and defending the course which the United States had pursued with respect to Texas. Castillo replied by return of post, enclosing the passports, and saying that he thought it needless to discuss anew Slidell's arguments, as they had already been "victoriously refuted."[2] At the same time the whole correspondence was published in the *Diario del Gobierno*. At the earliest practicable day Slidell sailed from Vera Cruz, and on reaching the United States set out for Washington to explain to the President the failure of his mission and to offer his opinions as to the course which the American government should pursue.

[1] Castillo to Slidell, March 12, 1846; *ibid.*, 67.

[2] Same to same, March 21, 1846; *ibid.*, 79.

CHAPTER XXXI

MEXICO SEEKS FOREIGN AID

As the prospect of a war with the United States became more threatening, the successive Mexican administrations saw more and more clearly that they ran a very great risk of losing not only Texas but also a large part of their other territory. California in particular was evidently indefensible against a naval force, and New Mexico was too remote for succor. The only way to guard against such dangers was by securing foreign help; and, indeed, in the earlier efforts of Great Britain and France to adjust the disputes between Mexico and Texas, a foreign guarantee of the northern boundary had actually been offered. Thus in the interview between Lord Aberdeen and the Mexican minister in London, on May 29, 1844, the former had gone so far as to say that if Mexico would acknowledge the independence of Texas, England, and very likely France, would oppose annexation to the United States, and that he would endeavor that France and England should jointly guarantee the independence of Texas and the integrity of Mexican territory.[1] At the same time he had proposed to the French government "a joint operation on the part of Great Britain and France in order to acknowledge the independence of Texas, on a guarantee being jointly given by us that that independence shall be respected by other nations, and that the Mexico-Texian boundary shall be secured from further encroachments." And a few days later, in an interview with Ashbel Smith, of Texas, he had proposed a "diplomatic act" by which England and France, acting with Texas and

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[1] *Memorandum of Conversation*, in E. D. Adams, 168.

Mexico, were to secure and guarantee the independence of Texas and settle its boundaries.[1]

So also in the memorandum of "points on the settlement of which the Mexican government might agree to grant the Independence of Texas," discussed in the autumn of 1844 between Bankhead and the expiring administration of Santa Anna, one of the clauses of the proposed arrangement was that Mexico should receive an indemnity for the loss of Texas, and also—

> "the guarantee of England and France united, that under no pretext whatever shall the Texans ever pass the Boundaries marked out. The same nations shall also guarantee to Mexico the Californias, New Mexico and the other points of the Northern frontier bordering on the United States, according to a Treaty to be drawn up for that purpose.—If the United States carry into effect the annexation of Texas, to the North American Union, England and France will assist Mexico in the contest which may be thereby brought on."[2]

The idea of any guarantee was, however, soon abandoned, partly because France was lukewarm, partly because of warnings from the British and French ministers in Washington that the least suggestion of foreign interference in the matter of Texas would tend to Clay's defeat for the presidency and thus to the immediate annexation of Texas, and partly because Santa Anna persisted in announcing his intention to make war at once.[3] At the end therefore of September, 1844, Bankhead had been instructed to say that if Santa Anna—

> "were to take the rash step of invading Texas with a view to its forcible reconquest, and if, by so doing, he should find himself involved in difficulties with other Countries, he must not look for the support of Great Britain in aiding him to extricate himself from those difficulties."[4]

But in spite of this and other later warnings to the effect that Mexico would be left to herself if she did not heed the advice of her friends in Europe, the Mexican representatives in London and Paris continued to haggle over territorial guarantees by the European powers as a condition to an abandonment of their projects for a reconquest of Texas. In repeated interviews with the French and English Secretaries of Foreign Affairs they argued that no reliance was to be placed on the good faith of the Texans. If Texan independence were recognized to-day by Mexico, what was to prevent those people from seeking to-morrow annexation to the United States? Would not the mere fact of recognition by Mexico be cited as a proof that Texas was at complete liberty to dispose of her own fortunes? And would a mere treaty of peace and friendship restrain the Texans from new aggressions, like the expedition to Santa Fe and the expedition to Mier? Nothing, it was said, would hold the Texans back but the fear of physical force, which force France and Great Britain must agree to furnish if they wished to see peace and to see Texas universally recognized as an independent state.[1]

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[1] Aberdeen to Cowley, May 31, 1844; *ibid.*, 171. Smith to Jones, June 24, 1844; *Tex. Dip. Corr.*, II, 1152.

[2] Bankhead to Aberdeen, Nov. 29, 1844; E. D. Adams, 188.

[3] See Vol. I, pages 659–661.

[4] Aberdeen to Pakenham, Sept. 30, 1844; E. D. Adams, 190.

By the end of November, 1844, the news of Polk's election to the presidency had reached Europe, and foreign governments began to see that the United States was fully committed to the policy of annexation, and that any attempt by European powers to prevent it might only result in a war, for which the people of France, at any rate, had no desire.

> "It appears to me," wrote Maximo Garro, the Mexican minister in Paris, "that the cabinet of the Tuilleries, even though it might wish to join with that of London in taking up arms in opposition to the annexation of Texas, could never do so without exciting a general clamor against any such policy. All parties, without exception, would accuse it of forgetting that the interests of France require that it shall not take part in a struggle which, whatever its result, will weaken her two maritime rivals and will consequently contribute to the growth of her own power. . . .
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> "Should there be a rupture between the English and the Americans,

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[1] Murphy to Minister of Relations, Jan. 1, June 1, and July 1, 1845; Garro to same, March 25 and June 17, 1845.—(*Secretaria de Relaciones Exteriores, México, MSS.*)

1826 the hacienda de la Sarca in Durango had a stock of 200,000 sheep and 40,000 mules and horses; that of Ramos had 80,000 sheep; that of Guatinapé, 40,000 oxen and cows. On the breeding estates of the Marqués de Guadalupe in Zacatecas there were 18,000 horses and brood mares. The hacienda of El Jaral in San Luis Potosí was said to possess at least three million head of live stock, and to send thirty thousand sheep a year to market.[1]

What with the difficulties of internal transportation, and the fact that the Spanish peninsula was the only country with which commerce was permitted, it was obviously impracticable during the colonial period to develop any export trade in food supplies. The only customers of the farmers were in the large Mexican cities, including the great mining centres where the vast numbers of animals employed necessitated a very considerable consumption of food for horses and mules. The forage crops were, however, much exposed to injury by drought, and therefore a dry season always led to the destruction of large numbers of animals employed in mining, and this in turn to a reduction in the annual output of the mines.

Manufacturing was even more hampered by Spanish policy than agriculture. The early colonial policy of all European governments had been unfavorable to the establishment of manufactures in their dependencies, for the accepted commercial principles limited the functions of a colony to the supplying of raw materials to the mother country, and the consumption of her manufactured articles. The whole traffic was required to be carried on under the national flag. Spain did not differ from England or France or Holland in her theories—she was only more rigid and consistent in applying them.

But even Spain could not be consistent at all times and in all places. If the law had compelled Mexico to be clothed only in Spanish garments, Mexico would have gone naked. Humboldt correctly summed up the situation by saying that if populous cities are built at great distances from the coasts, behind mountain ranges, and if many millions of inhabitants can obtain European goods only after they have been carried on mule-back, sometimes five or six months' journey, through tropical forests and waterless deserts, local manufactures must of necessity exist.[1] The force of circumstances therefore compelled the Spanish government to tolerate what it could not prevent, and thus in New Spain a limited manufacturing industry existed, which supplied most of the simple needs of the people but furnished no goods for export.

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[1] Ward, *Mexico*, II, 218-391.

Coarse woolen and cotton fabrics, hats, saddlery and harness, soap, furniture, toys, pottery, and cigars made up almost the entire list. To these might be added the manufacture of silverware, which was in demand in the churches and in the wealthier households, where fine porcelain and glassware—difficult to carry safely over mountains on mule-back—were not much used.

The first effects of independence were, necessarily, disastrous to the manufacturing interests. Not only had factory buildings been damaged or destroyed during the civil wars, but the removal of colonial restrictions also had its effect. When new ports were freely opened to commerce and when shorter routes to the interior were made available for the carriage of imported goods, trade from foreign countries grew and domestic production fell off. It is therefore not surprising to find that the annual value of manufactured products was estimated at only one-half what it was before the revolution.[2] As usual, there was no means of forming any accurate judgment on the subject. Humboldt, without expressing any opinion of his own, says that the value of the manufactures of New Spain was estimated at seven or eight million dollars a year,[3] and on this basis the manufacturing output of the Mexican republic in 1825 might perhaps be put in the neighborhood of four millions a year. In the United States at that time it was probably as much as two hundred and fifty millions a year.[4]

The one industry of Mexico that had furnished any substantial quantity of exports during Spanish times was the mining of precious metals. It was this alone which enabled New Spain to pay tribute for so many centuries, and it was this which, coupled with Spanish secrecy, attracted the attention and inflamed the imagination of the world. For years the belief in the prodigious wealth of Mexico was as universal as it was vague and mistaken.

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[1] Humboldt, *Essai Politique*, II, 664.

[2] Poinsett, *Notes on Mexico*, 102.

[3] Humboldt, *Essai Politique*, II, 665.

[4] Pitkin, 461–530, *passim*.

The statistics of production were most meagre and unsatisfactory, but it seems safe to conclude that before Mexican independence was achieved the precious metals made up at least three-fourths in value of the total exports. In addition to this, over eight million dollars a year used to be shipped for account of the royal Treasury, and thus the proportion of the precious metals was brought up to perhaps seven-eighths of the whole export trade.[1]

The quantity of gold mined was probably about a million dollars a year on the average. The production of silver was probably not far from twenty-three million dollars a year during the peaceful times preceding the outbreak of the revolution in 1810.[2]

The methods employed were both primitive and extravagant. The permanent works were constructed upon a scale which was described as wonderful and imposing, and which was obviously impossible in a country where labor was not abundant and extremely cheap. Thus the dimensions of the principal shafts were often excessive. In some cases they were octagons from twenty-two to twenty-seven feet across, sunk to very great depths.[3] The ore was brought up on men's shoulders, the half-breed Indian workmen carrying incredibly heavy loads.[4] Water was pumped by a primitive arrangement of leather buckets worked by mules. At the Candelaria mine in Durango the water was brought up in buckets on men's shoulders from a depth of nearly seven hundred feet. At the reduction works the processes of crushing, washing, and amalgamation were carried out chiefly by men and mules.[1]

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[1] Ward, I, 318, *note*.

[2] Humboldt estimated the total annual product in 1803 at slightly over $23,000,000.—(*Essai Politique*, II, 580.) Ward, whose sources of information appear to have been good, estimated the average production of the precious metals for the fifteen years from 1796 to 1810 at $24,000,000—of which a little less than five per cent was gold.—(Ward, I, 365.)

[3] Ward, II, 203–207.

[4] *Ibid.*, 211, 215.

The rising of 1810 wrought swift disaster to the mining industry. The fury of Hidalgo's followers, who were chiefly recruited near the mining districts, was first directed against the tangible property of Spanish capitalists at the great mines, and their machinery and reduction works were ruthlessly wrecked. As the principal veins had been explored in the course of centuries to very great depths, the destruction of pumping machinery made it impossible to keep the lower levels free of water, and for many years some of the most productive workings were necessarily abandoned on that account alone. In addition the loss of confidence which naturally discouraged bankers from making advances to mine-owners, and the extreme difficulty of procuring steady labor, combined to hamper the carrying on of mining operations. At the end of a few years many workings were in a condition of absolute ruin, shafts had fallen in, timbering had rotted and given way, buildings and machinery had been destroyed or had been so neglected as to be beyond repair. In one mining town after another, the traveller heard the same tale of ruined buildings and machinery, or of rising water and falling population.[2]

For the fifteen years that immediately succeeded the outbreak of the revolution—that is to say from 1811 to 1825, both inclusive—it is probable that the average production of the precious metals had fallen to about eleven million dollars a year. In some years, as in 1811 and 1812, and again in 1823 and 1824, it fell to almost nothing.[3]

The result of this blow to the principal industry of the country was extremely far reaching, for not only were great numbers of men thrown out of work, but there was also a great diminution in the demand for agricultural products due to the reduction in the numbers of both men and animals to be fed. These reached surprising figures. Thus at the Barranco mine at Bolanos, in the state of Jalisco, twenty-two hundred mules and four hundred men were employed in pumping alone.[1] In the great Valenciana mines near Guanajuato over three thousand men were employed and fourteen thousand mules.[2] At Tlalpujahua, in the state of Michoacan, about two thousand horses and mules and more than two thousand men were required.[3] At the Veta Grande of Zacatecas there were more than twelve hundred horses and mules.[4]

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[1] *Ibid.*, 196–199.

[2] Ward, II, 110–341; Poinsett, *Notes on Mexico*, chap. XII, 156–177; Lyon, I, 301; II, 149, 153.

[3] Ward, I, 362–374.

For these armies of men and beasts the supplies of food were naturally drawn from the nearest farming districts, and the moment that the activity of the mines was checked the price of agricultural products fell off, and the prosperity of the rural population with it. On the other hand, when mining operations were resumed the demand for horses and mules, for maize and barley, instantly increased.

The termination of Spanish rule in Mexico and the opening of the country to foreigners were almost immediately followed by a great influx of foreign miners, or mining speculators, mostly English and German, attracted by the vague and often mythical accounts of the extraordinary riches of the Mexican mines, which were now at last to be opened to the enterprise of Europe. The further away, the greater seemed the prospect of enormous and quick returns. In London the shares of newly formed Mexican mining companies rose to high figures, and for a short time were the subject of excited speculation. Writing of the conditions in Great Britain in the winter of 1824–1825, a recent author says:

> "The English people were at this moment suffering from one of those attacks of speculative mania to which they are subject. Some years of great national prosperity had preceded, and for the capital then accumulated and now seeking investment a new outlet had been found in the revolted colonies of Spain. Canning's foreign policy, of which these colonies were the pivot, helped to give an air of respect-

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[1] Lyon, I, 315. Ward puts the number of mules employed for this purpose at 5,000.—(Ward, I, 425.)

[2] Ward, II, 190, 200.

[3] *Ibid.*, I, 427.

[4] Lyon, *Mexico*, I, 255.

ability, or even of patriotism, to the schemes of company promoters, and presently all the phenomena of the South Sea Bubble were reproduced. The old stories of the mineral riches of the New World were revived, companies were formed in great numbers to exploit them, and the shares were eagerly bought by a credulous public."[1]

The promoters of course contended, and with some reason, that the introduction of improved modern methods would result in a great increase in the output of the mines, but there were a number of other elements they did not take into account. Worn-out old workings were sold by shrewd Mexican owners to eager customers at extravagant prices, and even where the quantity and quality of the ore were satisfactory, the difficulty of transporting machinery from the sea-coast, the want of fuel (for there was no known coal and little timber), the dislike of the native miners to changes in their traditional methods, and the unexpectedly costly outlay for preliminary work in re-establishing drainage and restoring ventilation and facility of access to the mines, absorbed all the product. Mining shares in London fell, and the reaction from the exaggerated belief in the wealth of Mexican mines led to a distrust of all Mexican investments both in Great Britain and elsewhere.

The long and destructive civil war, which had been followed by a complete upsetting of all the relations of trade with foreign nations,[2] had necessarily been accompanied by disaster to the public revenues, as well as by the very great changes in industrial and economic conditions above noted. It is therefore not surprising to find that from the very beginning of the war of independence there were serious deficits in the annual budgets of both the colonial and the independent governments.

Before the revolution the country had annually furnished a large surplus. For the period from 1800 to 1810 the revenues of New Spain amounted to about twenty million dollars a year. Of this only ten and a half millions was expended in the interior of the country. From the surplus about six millions a year, on an average, were remitted as tribute to Madrid, and over two millions were sent to Cuba, Florida, Porto Rico, the Philippines, Louisiana, and other Spanish possessions, all of which were, in some measure, supported by Mexico.

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[1] Moneypenny's *Disraeli*, I, 55. Disraeli's first appearance as an author was in writing pamphlets to "boom" Mexican mining shares. He himself invested in them, and lost more than he could afford.

[2] By a decree of Oct. 8, 1823, Spanish vessels were excluded from all Mexican ports, and the importation of all articles manufactured or grown in Spain was prohibited; and by a previous decree of Nov. 5, 1822, exports to Spain were forbidden.—(Lerdo de Tejada, 30.)

The outbreak of the revolution threw all the finances of New Spain into confusion, and produced continual deficits in the colonial administration, which were made good, partly by new forms of taxation and partly by forced loans (*préstamos forzosos*). The latter expedient, which necessarily involved disastrous although remote consequences, was much admired for its elegant simplicity. It was usually operated as follows: The commanding officer of an army would be authorized by the national authorities, or those acting as such, to resort to "exceptional means" to raise money. He would then assess individuals various sums according to what he believed they could be made to pay, and would give them notes in the name of the government for the amounts collected, which nobody ever expected to see paid, and which never were paid. It was, says a Mexican author, very much as if a highway robber should stop a lady on the street and pull off her rings, while handing her at the same time his promissory note.[1]

After the fall of Iturbide, the reorganization of Mexico, and the adoption of the Constitution of 1824, there began a period in which national revenues were increased, expenditures were cut down, and the methods of doing business were reformed and simplified by the intelligent men at the head of the treasury. It was, however, evidently impossible to create a satisfactory budget so long as the conditions of trade, and especially of the import trade, were daily changing, and while the effects of the new federal form of government could only be conjectured. Consequently it is not surprising to find that the official estimates often proved very inexact, and that even with the help of large foreign loans the government was at times in straits for ready money.

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[1] Bulnes, *Grandes Mentiras de Nuestra Historia*, 664.

For the two years and a half, from the beginning of the year 1824 down to June 30, 1826, the receipts of the federal government, as reported, were at the rate of about fifteen million dollars a year, including some part of the proceeds of loans; and the expenditures were at the rate of about sixteen millions.[1] These figures, however, seem to have varied a good deal in different years. Thus in the year 1825 the ordinary revenue was estimated at less than nine and a half millions of dollars, the expenditures at close to eighteen millions. But with the growth of imports the revenue largely increased, and for 1826 may be put at thirteen million dollars. At the same time the expenditures, including interest on foreign loans, were brought below sixteen millions, so that the true annual deficit (excluding proceeds of loans) had fallen from eight to about three millions a year.[2]

The foreign loans with which the deficits were covered were principally two in number, one made through Goldschmidt & Co., of London, and the other through Barclay, Herring, Richardson & Co., each for sixteen million dollars. The Goldschmidt loan was made at the beginning of the year 1824, before the independence of Mexico had been acknowledged by England or any other nation, and while the efforts of the Holy Alliance to re-establish the Spanish power in America still seemed likely to be formidable, and it was to be expected that usurious terms would have to be submitted to, but the reality of the extortions surpassed expectations. The report of the agent of the Mexican government, Francisco de Borja Migoni, gives a very full account of the difficulties he encountered, and a scandalous but most amusing history of the partially successful attempts of men in semi-official positions to get a share of the plunder.[3] He ultimately made a contract by which he sold to Goldschmidt & Co. the whole issue of sixteen million five-per-cent bonds at fifty, less deductions for commissions, interest retained, etc., which amounted to over two million dollars, so that all the Mexican government actually got was $5,900,323, or less than thirty-seven per cent of the face of the loan.

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[1] Romero's *Mexico*, 139.

[2] Tornel, *Breve Reseña*, 117–128.

[3] Ward's *Mexico*, I, 275–287.

The Barclay & Co. loan was issued in February, 1826, after Canning had called his New World into existence. This firm acted merely as agents, and sold the bonds by subscription to the public at eighty-six and three-quarters, but the commissions, interest, and sinking-fund payments for the first eighteen months retained, and "contingent expenses" absorbed over five hundred thousand pounds, so that this loan only produced a little over eleven million dollars, or something more than seventy per cent of its face. But even this sum was not actually received, for shortly after the bonds had been sold Barclay & Co. failed, owing the Mexican government nearly three hundred thousand pounds.[1]

The revenues of the government were derived from customs duties, the monopolies of tobacco, gunpowder, and salt, the post-office, the lottery, the revenues of the estates formerly belonging to the Inquisition or suppressed convents, and a direct tax apportioned among the several states. Of these items, the customs duties were much the largest, amounting to about sixty per cent of the whole. All other sources of revenue were declared by statute to belong to the several states.[2]

The receipts from customs were, however, much less than they might have been under a more liberal policy. Protectionism run mad had not been content to impose heavy duties upon articles grown or manufactured in the country, but from the very first years of independence had adopted the policy of prohibiting the importation of such things as were produced in Mexico, as well as of some things that were not, but might be, produced.[3] Among the results of this policy were the loss to the treasury of a large revenue that might have been derived from duties on the goods thus prohibited, and also the continuance and growth of the system of contraband trade which the colonial policy of Spain had notoriously fostered.

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[1] According to Alaman, the loss through the failure of Barclay & Co. amounted to considerably over two million dollars.—(*Liquid. Gen. Deuda Exter.*, 92.)

[2] Law of Aug. 4, 1824.—(Dublan y Lozano, I, 711.) By the law of Dec. 22, 1824, the states were also permitted to collect a duty of three per cent on foreign goods which were consumed within their borders.—(*Ibid.*, 748.)

[3] Lerdo de Tejada, 31.

Of the national expenditures, the heaviest annual item was for the maintenance of the army and navy, amounting in 1825 to about eighty per cent of the whole cost of the government.

In 1823 a few vessels had been purchased and the naval force was gradually increased until in January, 1827, it consisted of one ship of the line,[1] two frigates, a corvette, four brigs, and some smaller vessels. In 1826 Commodore David Porter, formerly of the United States navy, was appointed "General of Marine," with a salary of twelve thousand dollars a year and perquisites, besides the control of the castle of San Juan de Ulúa. He cruised off Cuba and committed great havoc on the Spanish commerce, but lost one of the frigates in action, and finally resigned in 1829, after a series of vexatious controversies with the Mexican government.[2] The fact was that the natives of Mexico had no maritime aptitude or experience, and their attempt at creating a navy was a foregone failure.

The army, whose organization and equipment was inherited from colonial times and was chiefly commanded by men brought up in the Spanish service, was much more formidable. On paper, it consisted of about thirty thousand men actually with the colors, with reserves of about thirty thousand more, but it was always doubtful how far the returns were to be relied on.

The regular army (*ejército permanente*) consisted of twelve battalions of infantry, whose peace strength was just short of ten thousand; twelve regiments of cavalry, with a peace

[1] This was a Spanish ship, the *Asia*, whose crew mutinied while *en route* to Manila and carried her into Monterey in California. From there she was brought at great expense to Vera Cruz, round Cape Horn. She proved perfectly useless to the Mexicans, and was used for years as a prison hulk.

[2] An account of Porter's career in Mexico will be found in *Memoir of Commodore David Porter of the U. S. Navy*, by his son, Admiral David D. Porter, 347–391.

strength of sixty-seven hundred; and three brigades of artillery, numbering about eighteen hundred in all. The aggregate was therefore about eighteen thousand five hundred, which, in time of war, would be increased to over twenty-six thousand. The presidial companies and certain companies of coast-guards added about four thousand five hundred men to the nominal force of the regular army.

There were also always under arms over nine thousand militia (*milicia activa*) who were, for all practical purposes, a part of the standing army. The enrolled militia amounted altogether to a little over thirty-six thousand men, but the military value of three-quarters of them, for any purpose, was probably very trifling.[1]

The army was scattered over the whole of Mexico in relatively small detachments, so that it always proved a matter of the utmost difficulty to concentrate a respectable force at any threatened point, even when ample warning of the need of men was given. This was due in part to the great difficulties in the way of transporting men and supplies, either by land or sea—by land, because of the non-existence of decent roads or navigable rivers; and by sea, because of the non-existence of a considerable body of shipping. A second reason why troops could not readily be collected was that they were universally relied on to do the work of preserving order, and it was never considered safe to leave the larger towns without substantial garrisons, and as the garrisons were frequently mutinous, other troops within a reasonable distance were always maintained to help preserve discipline. *Quis custodiet custodes?* was a question that often arose to perplex the federal authorities.

The rank and file of the army were, of course, Indian peasants. There was no regular system of conscription, but some mode of compulsion seems to have been almost always resorted to in order to get men into the army. One very favorite expedient was to send into the ranks men who were convicted of petty offences, and parties of handcuffed recruits were constantly to be met marching to join their regiments.

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[1] As to the army statistics, see Ward's *Mexico*, I, 228–236, which probably represents the average figures. The report of General Mier y Terán gives the figures on Dec. 14, 1824, as follows: Troops of the line, 22,534; active militia, 40,018; making a total of 62,552, as against Ward's total of 61,000.—(*Memoria del Secretario . . . de la Guerra, presentada á las Cámaras en enero de* 1825.)

The number of officers was always disproportionately large, even from the time of Iturbide. At the beginning of his reign, out of a force of about thirteen thousand men there were over eighteen hundred commissioned officers under the rank of general,[1] and the number of generals was always great. This disproportion increased in subsequent years.

The cost of maintaining the army and navy in 1825 was estimated at about fifteen million dollars. In addition the salaries of President and Vice-President and the expenses of the Ministry of Finance were estimated at two millions, the Ministry of Internal and Foreign Relations at a hundred thousand, and the Ministry of Justice and Ecclesiastical Affairs at seventy-seven thousand dollars.[2]

The last item was much below the amount required when the federal tribunals authorized under the Constitution of 1824 were fully established. The estimates for 1827 called for over one hundred and sixty-three thousand dollars for the maintenance of the supreme tribunal of justice, the inferior federal courts, and the local courts of the Federal District.

In general, the laws of Mexico were necessarily based upon those of Spain as applied in her colonies, but after independence there was a large mass of legislation which affected both the procedure of the courts and the main body of the law. The clergy and the army had, besides, their own special tribunals, which administered separate codes of law and had extremely wide jurisdiction. The administration of justice in the regularly constituted courts, both state and federal, was dilatory both in civil and criminal cases, and in the latter the proceedings were largely conducted in secret.

To the foreign nations who had acknowledged the independence of Mexico all these questions—the administration of justice, the strength and efficiency of the army and navy, the commerce and wealth of the country, her agriculture, mines, and manufactures—were of very great importance; but the chief inquiry, which really included all the rest, was as to the political capacity of the people and the probability of their being able in a shorter or longer period to establish an efficient, stable, and prosperous government capable of maintaining internal tranquillity and of performing the international duties which the nation owed to other countries.

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[1] Bancroft's *History of Mexico*, IV, 753.

[2] Ward's *Mexico*, I, 275.

It is easy now to see that a nation constituted of such materials as were united in the people of Mexico, and governed for three centuries as Mexico had been governed, was inevitably doomed to suffer, at least at the outset of its independent career, from political incapacity and inefficiency. But the conditions of the country were not very generally or very clearly understood at that time, and foreign observers were often perplexed and disappointed by the patent inability of the Mexicans to establish a government which was either stable or efficient.

In the United States particularly a complete misconception of the essential facts was prevalent. The people of the United States were apt to think of Mexico as a country inhabited by a European race—a nation consisting of the descendants of immigrants who had overrun Mexico as the English had overrun the North Atlantic seaboard, and who had driven out the aborigines as the Algonquins and the Six Nations and the Cherokees had been got rid of from Maine to Georgia. Nothing could have been more erroneous. The Mexicans were not to be regarded as a European but rather as an indigenous race, and although the original occupants of the country had been conquered they had neither been exterminated nor expelled. In fact, they remained the predominant element in the population so far as numbers went, very much as the Saxons remained in the majority in England after the Norman conquest.

There were few analogies between the Spanish colony in Mexico and the English colonies of North America. When the English, French, and Dutch first settled in America they found the land thinly occupied by a few groups of wandering savages who were skilful and formidable warriors. These Indians lived by hunting and fishing and had only the most elementary notions of agriculture. They were sudden and violent, treacherous and thieving. Not a man of them would work for wages. The British settlers found them impossible neighbors, and from the very first became involved in long and doubtful struggles for mere existence. It was universally believed that if the British settlements were to survive at all their people must destroy or banish the native Indians; and therefore from East to West one tribe after another was conquered and driven back into the wilderness. The native savage, who was incapable of work as a servant, was swept away like the wild-cat and the wolf in order that life might be a possible thing for the white farmer and his negro slave.

In Mexico all the conditions were reversed. The first Europeans found the land occupied by a tolerably dense population which had already made considerable advances toward civilization. These people—although passing under the generic name of Indians—were totally unlike the Indians of the British colonies. They were essentially a peaceful race, well advanced in agriculture and in some of the simpler domestic arts. They had learned to build houses of brick and stone, to weave cloth, and to communicate by a system of hieroglyphics. They had a form of religious ritual. They had built great temples. And they had no skill in war.

The North American Indian fought desperately for several generations, upon not altogether unequal terms, with the British settler; but a few hundred Spaniards were able in ten years to overrun and permanently subdue a Mexican native population of several millions.

New Spain resembled British India much more than it resembled any British colony in America. Both in Mexico and Hindustan a small number of adventurers had quickly subdued, by craft or by violence, a huge, ill-organized, docile, and hard-working population composed of a number of different and generally hostile tribes. In neither case were the natives expelled. They were simply made to work for the benefit of their new masters, and the bulk of the inhabitants continued after the conquest, as before, to be made up of the same indigenous races that the conquerors had found in the land. Both in Mexico and in India an unwarlike people were readily kept in control by a small but relatively efficient European garrison, and in neither did the people love their rulers.

But no analogy is ever complete at all points, and the analogy between New Spain and the East Indies breaks down in several particulars.

In the first place, Englishmen did not go to India with the intention of settling. They did not intermarry with the natives, and white children born in India did not thrive. The Spaniard, on the other hand, who went to Mexico very generally looked forward to making that his permanent residence, and his children and his children's children lived and flourished and often married Indians or half-breeds and became merged, more or less, in the native population. The result was a far less rigid demarcation between the native and the European races than existed in British India and a larger percentage of European blood, although even in New Spain the Indian blood greatly predominated.

Another very important difference was the existence of the religious motive in the Spanish conquest. The Honourable East India Company was frankly commercial. Its court of directors and their officers, with Roman impartiality, allowed Mussulman and Hindu to exercise their religions freely so long as they did not disturb the British peace, and would never for one moment have dreamed of forcing the Church of England upon Asiatics. The Spanish government had a very different opinion of the obligations of religion. They were quite as much concerned with saving the souls of the natives as in exploiting their labor, and accordingly all native forms of worship were persistently broken up and supplanted by an official and rigidly intolerant creed from one end of New Spain to the other. All the influences of religious unity were obviously favorable to a fusion between the conquered and the victorious races.

The people of the United States also failed to recognize the important fact that the people of Spain itself, although classed as Europeans, had a very considerable infusion of Asiatic and African blood, and were of very different descent from the other races who inhabited western Europe. "Of the many races which have gone to make up the varying types of men in the Spanish Peninsula," says an accomplished historian, "the early Afro-Semitic and the Saracen have made the strongest impress upon the national character, and have given it mainly its qualities, good and bad; its tribal tendencies, its fatalism, its gloomy pride and conservatism, and, not least, its cruelty. . . . We have in the Spaniard a man in whom so much is not understandable until we reckon with him, not as a European, but as the Moro-Iberian which he is; a man apart, and differentiated from the other races of Europe. Looked at so, much becomes explicable which is otherwise strange, and has defied the effort of the Anglo-Saxon to understand the philosophy of the acts and ways of the conglomerate race of the Peninsula, which, in its incapacity for government, its regionalism, its chronic state of revolution, its religiosity, its fatalism and procrastination, its sloth in material development, have made the Spanish nation an enigma to the northern mind."[1]

The population of New Spain at the time the Spanish domination came to an end was thus made up of a mixture of races in which there was in reality but a comparatively small infusion of European blood, and in which the descendants of the feeble folk whom Cortés had so quickly and completely subdued were in a very large majority. But whether Saracen, Moor, or Aztec, the people of Mexico inherited from their ancestors no capacity for self-government, and to that inborn defect there was added a fatal lack of experience.

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[1] Chadwick, *The Relations of the U. S. and Spain, Diplomacy*, 4–6. "It has been said that a Spaniard resembles the child of a European father by an Abyssinian mother. Whether or not the statement is literally true, the simile may be accepted as a convenient symbol of the most fundamental fact about Spain and her people."—(Ellis, *The Soul of Spain*, 29.)

Three centuries of Spanish autocratic government in New Spain would have inevitably rendered the natives unfit for self-government, even if they had ever possessed that difficult art; and it is probably true that when the republic was established the vast majority of Mexicans cared nothing whatever about republican principles or understood what self-government really meant. They hated the Spaniards and were glad to be rid of them. But they knew no more of the business of governing than they did of the business of fighting, and were quite content to leave such matters to those who cared for them. "The people," said a Mexican statesman and historian, in discussing the downfall of Iturbide, "were silent and obedient, as they have always obeyed and been silent; for no stimulus ever rouses them from the cool indifference with which they watch the coming and going of revolutions in which they have no part and from which they secure no advantage."[1]

But if the great majority of the population were sullen or silent in the face of political emergencies, there were always large numbers of men—mostly of Spanish descent—who were fiercely clamorous to undertake the affairs of the nation and to assume the honors and emoluments of office. Every garrison town swarmed with them. As a class they possessed only the limited education which the Mexican schools and universities of that day afforded, but they had inherited the Spanish pride and the peculiar Spanish inability to look facts fairly in the face. They had large aspirations and limited energy and knowledge. Their traditions forbade their earning money in trade or manufactures, even if a country so poor as Mexico had offered them many opportunities. Priest, lawyer, soldier, and government official comprised almost the entire list of careers open to them.

"Whether as the result of their vicious education," says Alaman, "or on account of the influence of the climate which tempts men to easy-going indulgence, the white natives were generally idle and careless; ready to undertake but without foresight in measures of execution; giving themselves up ardently to the present and heedless of the future; prodigals in good fortune and patient and enduring in bad."[1]

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[1] Tornel, *Breve Reseña*, 12.

A very great proportion, therefore, of the better-educated people of Mexico—that is to say, of the men who could read the newspapers and discourse of public affairs in the cafés and barracks—were constantly and deeply interested in the question of the possession of public office, because that was, in effect, the only means of livelihood of a great many of their number.

These men, of necessity, attached themselves to one faction or another, but most of them could have had very little real conception of the principles for which their parties nominally stood. They might call themselves Federalists, or Centralists, or Constitutionalists, but as they had had no experience in self-government and knew nothing of the rights of minorities, they never really comprehended the essential bases of free government. Above all, they never succeeded in understanding that the limitations of a paper constitution could be permitted to stand between them and the immediate satisfaction of their political desires.

With all this, the ruling class had a high sense of national dignity coupled with a great ignorance of the strength and power of foreign nations. That Mexico had conquered Spain, and that Spain had conquered the French, who were the first soldiers in Europe, was the national belief, and the inferences drawn from this assumption were very favorable to an opinion of the invincibility of Mexican arms.

It was therefore an impoverished, ill-organized, and inexperienced government which came into existence under the federalist Constitution of 1824, and which was destined to have as its most important neighbor the growing power of the United States. In the latter country the immense majority was as yet made up of people of English descent, although with considerable additions from the other vigorous nations of northern Europe. These people for two centuries had been practising local self-government, and for fifty years had had the bracing experiences of independent national life.

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[1] *Historia de Méjico*, I, 11.

Between two neighboring nations so singularly ill-assorted, a land frontier stretched for nearly twenty-five hundred miles through a vast region that was as yet almost wholly unpopulated and was very nearly unknown. It certainly did not need any great degree of political foresight to perceive that, sooner or later, questions arising along this far-extended line were bound to give occasion for serious differences, and that in the conflict of interests the weaker nation was extremely likely to go to the wall.

CHAPTER V

THE NORTHERN FRONTIER OF MEXICO

THE Spaniards first came to Mexico as conquerors, not as colonists. They were neither seeking an outlet for an overcrowded population, nor new avenues for trade. What they really hoped to discover were opportunities of wealth for a few lucky adventurers, and to this must always be added a sincere religious determination to convert the heathen—by force, if necessary.

The British colonies were established under totally opposite conditions. The needs born of the economic status of the country first directed the English, in the reign of Queen Elizabeth and her successor, to the fruitful field of emigration.[1] A little later, during the twenty years that preceded the meeting of the Long Parliament, the persecuting zeal of the Church of England also operated to force reluctant thousands into seeking new homes beyond the Atlantic. After the first venture into that unknown country successive generations of British emigrants went soberly forth in search of virgin lands. They went to seek farms, not gold mines. They did not gather into cities, but were scattered in little agricultural settlements that multiplied and were pushed slowly but constantly inland. They were not aided in any material respect by the British government, neither were they controlled by the Church of England. They made no systematic efforts to christianize the natives. They took care of themselves without the support of a military force or a state church, and they settled where they pleased and established their own forms of local government and their own laws. There were marked differences between the several colonies from New Hampshire to Georgia, and between the same colonies at different periods of their history; but as time passed differences tended to disappear, and the middle of the eighteenth century saw fairly developed two fundamental beliefs which were essentially characteristic of the whole group—the first a broad religious tolerance, and the second a firmly settled conviction of the right to local self-government. The true underlying spirit of the British colonists, as it ultimately developed, was never more strikingly set forth than in the civil compact of the Providence Plantation, signed in 1637.

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[1] Leroy-Beaulieu, *Colonisation chez les Peuples Modernes*, 87.

> "We whose names are hereunder," ran the agreement, "desirous to inhabitt in ye Towne of Providence, do promise to subject ourselves in active and passive obedience to all such orders and agreements as shall be made for public good of ye body, in an orderly way, by the major consent of the present inhabitants, Maisters of families incorporated together in a Towne fellowship and others whom they shall admitt unto them *only in civill things*." [1]

The spirit of independence inherent in the British colonists being matched by a like untamable spirit among the Indians with whom they came in contact, and the home government lending no assistance, there ensued necessarily a long and desperate struggle with these formidable enemies. Much may be said of the unchristian and vindictive manner in which this warfare was carried on, but it is unquestionably true that it helped to develop those sturdy and self-reliant qualities which so strongly characterized the pioneer settlers and frontiersmen in the United States.

The same differences of purpose that had inspired the earliest efforts at American colonization, and the same contrast in methods and objects that had characterized the British and Spanish settlements, respectively, continued manifest even through the first quarter of the nineteenth century in the processes of growth of the United States and New Spain.

The expansion of the western frontier of the United States was an unconscious development—as cruel and un-sparing as nature and as inevitable as the healthy growth of a plant—and it was unaided, as it was unrestricted, by the paternal hand of the government. An endless variety of motives and emotions were constantly operating to urge the inhabitants of the settled East to seek their fortunes beyond the Alleghanies. The mere love of adventure, the spirit of speculation, the reasonable hope of attaining at an early age professional or political prizes, influenced some. For those who were in distress or in debt, or were discontented, the Mississippi valley was a hopeful refuge. But that which affected the minds of most was unquestionably the national hunger for land, the eager desire to become a freeholder, an independent and self-supporting citizen, to be the head of a household and the owner of a home. The same imperious desire which had animated the German forest tribes in their western and southern migrations centuries before had driven for two hundred years successive generations of American settlers into the wilderness, and had supported them through incredible hardships, in famine, in sickness, and in all the hideous risks of Indian warfare.

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[1] Rhode Island Colonial Records, I, 14.

Nor did satiety follow possession. The fruitful and unoccupied lands of the continent were there for those who dared to take them. To the adventurous and the hopeful there was the ever-present prospect of still more attractive lands still further west, and on many minds a first removal (whether successful or the reverse) operated only as an inducement to tempt fortune once more.

The type of the restless and dissatisfied frontiersmen was entirely novel to the officials of more paternal governments. De Laussat, who had been appointed by Napoleon in 1802 prefect of Louisiana, gave a humorous description of these people.

> "There is a class," he wrote, "of Anglo-Americans who make it their business to push constantly forward into the deserts of America, fifty leagues in advance of the population. They are the first to immigrate, to clear the land, and to people it; and time and time again they move on with no other object or profession than that of opening the way for future settlers. . . . They run up their shanties, cut down

> and burn the timber, kill the Indians or are killed by them, and disappear from the locality either through death, or through a quick sale of the half-cleared land to some more permanent husbandman. As soon as a score of settlers are collected at any point, two printers make their appearance, one a federalist, the other an anti-federalist; then come the doctors, then the lawyers, then the speculators; toasts are drunk; a speaker is elected; they proclaim themselves a city; they beget children at a wonderful rate. . . . A district under the Spaniards or the French may have been begun, abandoned, begun again, and ruined once more, and so on over and over again until its destiny for life or death is finally determined. Under the Anglo-Americans, a new-born state may advance with a greater or a less degree of prosperity; but it is certain never to go back. It always keeps on, growing and becoming stronger."[1]

Nothing could be in greater contrast than the methods adopted to settle the northern possessions of New Spain. There was none of the "fierce spirit of liberty," not a trace of that "wise and salutary neglect," which Burke thought had contributed so much to the growth of the British colonies. The hand of the central authorities at the city of Mexico interfered in every detail of every settlement, selected those who were to take part, planned their route, regulated their lives, and furnished their military escort.

The religious motive was almost always prominent. The conversion of the natives to Christianity continued to be a perfectly genuine object with the Spanish government, as it was an end to which hundreds of hard-working friars devoted their inconspicuous and humble lives, not without success.

The oldest of the settlements on the northern frontier was New Mexico, which dated back to the closing years of the sixteenth century. Nine years before the English ships landed their passengers at Jamestown Don Juan de Oñate, with the sanction and aid of the viceroy of New Spain, was leading a successful expedition to the upper waters of the Rio Grande.[2] On April 30, 1598, probably not far from the present city of El Paso, he crossed the river and took formal possession, in the King's name, of New Mexico and all the adjoining provinces. His party consisted of about four hundred men, of whom a hundred and thirty were accompanied by their wives and children,[1] a number of servants and Indians, ten friars, eighty-three wagons, and seven thousand head of cattle.

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[1] De Laussat, *Mémoires sur Ma Vie*, quoted in Villiers du Terrage, *Les Dernières Années de la Louisiane Française*, 408.

[2] Oñate was a native of New Spain. His expedition was organised under a contract with the viceroy, by the terms of which the King was to furnish arms,

The natives were not unfriendly, or at least not actively hostile, so that there was no very serious difficulty in settling the country and establishing mission churches. Exploring expeditions were sent out in various directions and a good general knowledge of the surrounding regions was obtained at a comparatively early day.

The troubles of the settlement, such as they were, arose at first from internal disputes, chiefly between the civil authorities and the missionaries as to their respective jurisdiction over the local Indians. Many thousands of these people were subdued and baptized, but the number of civilized inhabitants (*gente de razon*) remained small. Even as late as 1680 there were probably only about twenty-four hundred Mexicans in the whole province of New Mexico.

The native Indians, as a rule, were easily controlled. They had always lived, and they continued to live, in large villages or *pueblos*. Each pueblo had its church, and near it crops of corn and cotton were raised under the eye of the priests and subject to the eventual control of a small garrison at Santa Fe. The Pueblo Indians were held to strict obedience, and indeed were generally regarded as children, to be treated according to the maxims of Solomon. If they misbehaved the rod was not spared. For more serious offences they might be imprisoned or hanged.

Late in the seventeenth century, however, a general In

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ammunition, and priests, while Oñate was to furnish at his own expense a specified number of soldiers. In return for his labor and expenditure he was to be made governor, *adelantado* and captain-general of the territories he colonized, and was to receive certain grants of land and other rights and privileges.

[1] Then and long afterward Mexican soldiers were generally accompanied by numbers of women and children, just as the Soudanese troops march in Egypt.

dian revolt occurred. Many Mexicans were killed and the whole province had to be evacuated, but after an interval of some twelve years of anarchy it was reoccupied permanently.[1]

Notwithstanding the slow growth of the Spanish power the area of the settlements did not increase. The Navajos, Utes, Apaches, and Comanches who surrounded them could not be persuaded to adopt a peaceful agricultural life. Among such tribes the Spanish government never permanently extended its possessions, and the wavering and irregular frontier of New Spain always indicated pretty closely the line of demarcation between peaceful and warlike tribes of Indians.

By the beginning of the nineteenth century the numbers of the pure-blooded Indians native to the soil had diminished in New Mexico to something less than ten thousand, while the numbers of the Mexicans had grown to nearly twenty thousand, mostly through natural increase. There had been little immigration. The province was not very different from the rest of New Spain, except for the presence of the Pueblo Indians, who lived apart under the tutelage of the Franciscan friars.

Beyond the virtue of moderate and regular industry these converts had few of the Christian graces. "The Indians," says Bancroft, "were in no sense Christians, but they liked the padres in comparison with other Spaniards, and were willing to comply with certain harmless church formalities, which they neither understood nor cared to understand. They had lost all hope of successful revolt, but were devotedly attached to their homes and their ancestral ways of pueblo life; dreaded apostasy, because it involved a precarious existence among hostile tribes of savages; and thus, as a choice of evils, they lived and died as nominal Christians and Spanish subjects, or perhaps more properly slaves."[2]

The country was purely agricultural. There was no mining and no manufactures, and of necessity little commerce of any kind. It was only after Mexican independence had been assured that trade with the United States, or, indeed, any kind of intercourse, became legally possible. Trappers and traders had visited New Mexican territory during the period of Spanish rule, but they had always been arrested, and imprisoned or expelled, as soon as their presence became known. In 1807 Lieutenant Pike, in command of a small exploring expedition sent out by the United States government, visited New Mexico. He had trespassed, not quite innocently, on what was unquestionably Spanish territory, and he and all his men were in like manner arrested and sent to Chihuahua, and then, after a short and easy imprisonment, were sent back to the United States. But as soon as an independent government was established, probably as early as 1821, a regular commerce was established between St. Louis and Santa Fe, which rapidly assumed considerable proportions.[1]

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[1] See "The Revolt of the Pueblo Indians of New Mexico in 1680," by Charles Wilson Hackett, in *Tex. Hist. Quar.*, XV, 93–147; and "Retreat of the Spaniards from New Mexico in 1680," by the same author, in *S. W. Hist. Quar.*, XVI, 137–168, 259–276.

[2] Bancroft, *Hist. of Arizona and New Mexico*, 271.

In 1825 the population of New Mexico was probably not far from forty thousand—the numbers of the Pueblo Indians remaining stationary and the numbers of the Mexicans increasing from about twenty to about thirty thousand. Since 1800 some attempts had been made at rude manufactures, and possibly some at mining. There were no colleges or public schools, no lawyers, and few physicians. There were no municipal bodies and no courts. The government was a paternal despotism, nominally tempered by a right of appeal from the governor to the far distant *audiencia* of Guadalajara. And all through the long war of independence this remote and pastoral community had remained neutral and undisturbed.

Upper and Lower California remained, like New Mexico, missionary jurisdictions until a comparatively late period, although the missions along the shores of the Pacific were very unlike those along the Rio Grande. The first settlement of the Californias was made under purely religious auspices. There was no contract with any enterprising *conquistador*, and no grants of land or patents of nobility were offered as an inducement to settlers. The leaders of the earliest expeditions were animated by no hope of wealth or worldly advantage, but simply and sincerely by an ardent faith and a desire for the advancement of the church. For this they and their followers gladly gave their lives.

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[1] See Gregg's *Commerce of the Prairies*, two vols. The Mexican government, it should be noted, was for some time unfavorable to the opening of the Santa Fe trail, as they feared it might be made a means of territorial acquisition by the United States. Clay, as Secretary of State, took pains to point out that no such danger was to be apprehended.—(Clay to Poinsett, Sept. 24, 1825; *Amer. St. Papers, For. Rel.*, VI, 581.)

Lower California was the source from which all the missions proceeded. That peninsula was first occupied by the Jesuits about the end of the seventeenth century in pursuance of the remarkable colonial policy of the society, of which the most conspicuously successful example was exhibited in Paraguay. The theory, in a general way, upon which the society proceeded was that the natives of America were free men who could not justly be enslaved, and were the lawful owners of land of which they could not justly be deprived; that the Pope had given to the Kings of Spain authority over the New World solely in order that the Indians might be converted to the true religion;[1] and that consequently all the Spanish authority necessarily rested upon the condition of their spreading the gospel among the heathen. The object, therefore, for which the society strove was to adapt the savage tribes to civilized life, and it was intended that their territory should never be occupied by Europeans. To this end, the missionaries were to establish Indian villages, each surrounded by so much land as would suffice to support the inhabitants. The missions were not to be permanent institutions, but rather schools to teach the heathen to become Christian subjects of the Catholic King. In theory, the Indian proselytes were to be regarded as children at school, subject to all the restraints and liable to all the punishments which that age regarded as suitable for school-children. In particular the beneficial effect of steady work was to be insisted on, and the Indians were not to be allowed to resume their roving habits or wander from the missions. But steady work was just what North American Indians objected to. Sometimes they could be induced to give work in exchange for food, but "the main difficulty," as an apologist for the missions naively writes, "was to make the converts regard it as a duty to be performed on moral grounds." [1] Especially was this difficulty felt in the barren country of Lower California, where water was scarce and only the scantiest crops could be grown, but somehow by tact, patience, and infinite courage the friars did achieve a certain limited measure of success.

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[1] The bull *Inter caetera* (May 4, 1493), after reciting that it is the purpose of Ferdinand and Isabella to subdue the newly discovered lands and islands and reduce them to the Catholic faith, continues: "*Nos igitur hujusmodi vestrum sanctum et laudabile propositum plurimum in Domino commendantes* . . . *donamus, concedimus*," etc.—(Navarrete, *Viages*, II, 30.)

The expulsion of the Jesuits from the Spanish possessions in 1767 was a heavy blow to the missions. The injury, however, was soon repaired more or less thoroughly by the arrival of a body of Franciscans under the leadership of a man of the utmost energy and force of character—Junípero Serra. But by this time the Spanish authorities had begun to meddle with the progress of the missions, and the results were not generally conducive to morality or good order. A large part of Serra's work consisted in adjusting the relations of his clergy with the Spanish soldiers.

In 1769 the work of the Franciscan missionaries was pushed into Upper California, and the occupation of the coast from San Diego to San Francisco was effected within seven or eight years.[2] There was hardly a show of hostility from the naked and degraded Indians of that coast. With the advantages of a good soil and an unequalled climate, the missionary establishments grew slowly at first, but later with extraordinary rapidity; and in the course of twenty or thirty years attained a remarkable prosperity. The experiment which had been tried in Paraguay and in the Philippines was being attempted again under singularly favorable auspices.

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[1] Clinch, *California and Its Missions*, II, 155.

[2] The occupation of Upper California was encouraged and aided by José Galvez, afterward the powerful minister of the Indies, for political reasons. It was feared that the English or Dutch, or "the Muscovites," might establish a colony when least expected in the port of Monterey, and it was thought wise to anticipate them.—(Richman, *California*, 65.)

The real difficulty in making a beginning with the Indians was again not due to hostility, but to indifference. Where game and fish were plenty they showed no inclination to change their way of life, and until crops began to grow and cattle to multiply they preferred a wandering to a settled life. At first, they thought it easier to get provisions by theft than by agriculture, but a few cattle stealers were shot and several were flogged, whereupon the remainder became much more amenable to moral training.

The fine mission buildings of the Franciscans usually comprised a church, dwellings for the priests, workshops, granaries and barns, quarters for half a dozen soldiers, lodgings for unmarried Indian women, and a prison for turbulent converts. The single men and the married people were lodged in groups of filthy huts a short distance from the mission walls.

The Indian proselytes were required to cultivate the adjacent land, and in return for their labor they received food and clothing and instruction in such things as they were capable of learning and which were considered fit for them to know. The children were given some sort of schooling. Only the most intelligent were taught to read and write, but church doctrines and the principles of morality were imparted to all by the good fathers, and some effort was made at manual training.

Near each group of missions in Upper California—at San Diego, Santa Barbara, Monterey, and San Francisco—there was a presidio or military post. The presidial troops were not usually a part of the regular army. They formed, properly speaking, a separate establishment and were generally attached permanently to a particular post, so that they were rather armed and subsidized settlers than soldiers. Their main duty was to act as a police among the Indians, but only under the direction or at the request of the friars. The consequences of such an organization were natural enough.

The garrisons of the presidios were idle and undisciplined. The men were often guilty of immorality and of violence to the Indians, and the commanding officers were frequently on the very worst terms with the heads of the missions.

The death-rate among the mission Indians was at all times excessively high, the deaths being greatly in excess of the births. The difference, however, was more than made up, until about 1810, by new conversions. In the ten years from 1800 to 1810, with a total mission population averaging perhaps eighteen thousand, the deaths averaged sixteen hundred a year, an annual death-rate of nearly ninety in a thousand.[1] In the next ten years, in a population of probably twenty thousand, the death-rate was over seventy-seven in a thousand.[2] At San Juan Bautista, between 1800 and 1810, where there were on an average no more than six hundred Indians at any one time, the deaths in the ten years averaged ninety-nine;[3] and at San Luis Rey, which had the best record in this regard, the average annual death-rate was always over forty in a thousand.[4] There were some dreadful epidemics, especially of measles and tuberculosis, which terrified the Indians, and on one occasion at least led them temporarily to abjure Christianity; but the fact of the continued great mortality offers no mystery to those who are at all familiar with the diseases common in ill-policed camps. Syphilis, brought by the Mexican soldiery, was also a terrible scourge.

Mexican settlers came slowly and even reluctantly. In fact, they did not come at all except as soldiers, or in return for special inducements. Early in 1776 a body of about two hundred colonists came to California. They were all clothed, armed, and transported at the expense of the government; they were promised rations for all members of their families for the first five years; and the workingmen were to be paid wages for the first two.[5]

Settlers at San José in 1777 were paid by the government ten dollars a month besides an allowance of rations, and each was supplied as a loan with cattle, seeds, and tools.[1]

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[1] Bancroft, *Hist. of California*, II, 160.
[2] *Ibid.*, 395.
[3] *Ibid.*, 154.
[4] *Ibid.*, 108, 346.
[5] *Ibid.*, I, 258.

By the *reglamento* of 1781 all Mexican settlers in California were to be paid wages by the government, on a diminishing scale, for five years; they were each to have a grant of land; to be supplied with animals, tools, and seed, which they were to pay for in instalments; to have the use of public lands for pasture and firewood; and to be free of taxes for five years. In return, the settlers were required to sell all their produce to the government, and were to be ready to act as a militia. The lands granted them could not be mortgaged or sold, and their methods of agriculture were minutely prescribed.[2]

Even such liberal terms failed to prove attractive. In 1779 the government sought to enlist a body of twenty-four settlers with families. After some months' effort, fourteen were secured. Two of them deserted before reaching California and one seems not to have started at all. With the eleven remaining families the pueblo of Los Angeles was founded, but early in 1782 three of the settlers were sent away as useless to themselves and the community. Of the eight men left, four were Mexican Indians, one was a mestizo, or half-breed, two were mulattoes, and one was of pure Spanish descent.[3]

Another town (Branciforte, after the viceroy) was projected and seventeen persons from Guadalajara were imported to found it. They arrived at Monterey in May, 1797, but within three years the settlement had ceased to exist, in spite of elaborate governmental regulations for its welfare.[4]

In 1797 "vagrants and minor criminals" were ordered to be collected and shipped to found a new settlement.[5]

But although there were few immigrants, and though the mission Indians were wretched workmen, the colonies of

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[1] *Ibid.*, 313.

[3] *Ibid.*, 336.

[2] *Ibid.*, 339–346; Richman, *op. cit.*, 125.

[4] Bancroft, *Hist. of California*, I, 565–571; Richman, 172.

[5] Bancroft, *Hist. of California*, I, 568. After 1797 and down to 1810, at least, there were no immigrants except convicts and a few women.—(*Ibid.*, II, 168, 169.)

Upper California prospered exceedingly. By 1810, the year of the outbreak of revolution in Mexico, it was estimated that there were something over two thousand Mexicans, men, women, and children, living in the midst of a population of not quite twenty thousand christianized California Indians. This agricultural population raised, one year with another, something under a hundred thousand bushels of wheat and a little flax.[1] But its great wealth was in flocks and herds. It is believed that there were in the community no less than a hundred and sixty thousand head of cattle, horses, and mules, and almost as many head of sheep. Indeed, the horses had become so numerous that they were regarded as a nuisance, and were slaughtered in great numbers.[2]

Upper California was much too remote from the actual scene of the Mexican revolution to be directly affected by the varying phases of that long struggle, but it suffered indirectly through the withdrawal of governmental and ecclesiastical support. The soldiers were unpaid, the presidios fell to ruin, and no new settlers—not even convicts—arrived from Mexico. The friars grew old and some died; few new missionaries arrived; and the ranks of the clergy began to thin. The missions did indeed continue their peaceful existence by a sort of moral impetus acquired in earlier days, and their cattle and crops supported the government. But they had ceased to grow in numbers, and the eager striving after spiritual conquest which had animated the original missionaries was gone. The controversies between the priests and the soldiery continued from force of habit, but they were no longer very serious, and the land remained ignorant, slothful, comfortable, and happy.

The failure to send supplies from Mexico resulted in the open recognition of foreign trade by the local Spanish officials. From the very beginning of the nineteenth century foreign vessels—American, English, and Russian—had visited the coast from time to time and had conducted a contraband business which seems to have reached considerable proportions.[1] For some years the governors preserved an attitude of hostility to such violations of law, and even refused to countenance the sale of anything to foreign ships except when they put into California ports in distress. But after the outbreak of the revolution, the successive governors, at first more or less privately, and then quite openly and under the plea of necessity,[2] permitted trade to be carried on. Duties were collected on all exports and imports according to a tariff devised by the governor without any legal authority; but otherwise there was practically no obstacle thrown in the way of trade after 1816,[3] and as many as nine or ten trading craft came to the coast each year laden with goods to be exchanged for hides and tallow.

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[1] The indolence of the settlers was answerable for the relative smallness of the crops. As early as 1796 the friars complained that the people were a set of idlers, who had "scant relish for work," and were quite content to let the native Indians sow, plough, and reap. "Confident that the Gentiles are working, the settlers pass the day singing. The young men wander on horseback through the *rancherias* soliciting the women to immorality."—(Richman, 171.)

[2] Bancroft, *Hist. of California*, II, 182.

When foreign trade began to be permitted, another cherished Spanish colonial regulation was also disregarded. Foreigners were allowed to settle in the country. It was expected, as a matter of course, that they should be baptized into the Catholic Church, but otherwise there seems to have been no restriction upon them. Most of those who came before 1825 were deserters from ships, beach-combers of a type which Stevenson has since made familiar to literature. But three or four American and as many British traders who settled thus early furnished a rather more respectable and stable element.

In 1825 there were probably well over thirty-five hundred Mexicans or other immigrants in the country, and, in spite of the continued high death-rate among the mission Indians, a resident native population of about twenty thousand.

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[1] *Ibid.*, 23, 32; Richman, 189–207.

[2] Bancroft, *Hist. of California*, II, 211, 278.

[3] *Ibid.*, 419. After the Spanish colonial system was overthrown and the legal prohibition against foreign commerce was removed, restrictions of a vexatious kind were imposed in the interest of the Mexican customs. But this was not until after 1825.

Agriculture continued the chief business of the people, for the permitted importation of foreign goods checked even the crude manufactures which the missionaries had tried to establish. In the absence of an adequate foreign market, the production of wheat had not materially increased. Nature unassisted had, however, multiplied the cattle and the sheep prodigiously.

The government, like that of New Mexico, was a paternal despotism, the governor being only hampered by the ability of the friars to evade his edicts and to make their remonstrances felt. And like New Mexico, the community had neither lawyers nor doctors, nor any but the most primitive of schools.

The customary communication between the Californias and the rest of Mexico was by water, but repeated efforts had been made from 1773 to 1777 to establish an overland route,[1] and for this purpose the governor of the *Provincias Internas*, by an order of March 20, 1780, decreed the establishment of two missions on the Colorado River. The Indians, however, were hostile and the officer commanding the expedition was injudicious. The result was a sudden attack in which all the friars and nearly all the rest of the party were killed;[2] and no further attempts were made to create establishments on the Colorado.[3]

The fluctuating line of settlements west of New Mexico proper, therefore, ran irregularly through northern Chihuahua and Sonora to the Gulf of Mexico, although a presidio and two or three small missions lay beyond the present international boundary line at Tucson and its vicinity, in what is now Arizona. To the northward was a vast and uninhabited and unnamed region from which the states of Utah and Nevada and Arizona have since been carved. It had been occasionally traversed before 1825, but it had never been explored. In strictness, it seems to have been neither under the jurisdiction of California nor of New Mexico, but in current speech the territory of California and New Mexico would always be understood to include all of Mexico that lay between Texas and the Pacific Ocean.

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[1] Richman, 115, 98–102, 123. Sixty or seventy years later this trail, or so much of it as led from California to New Mexico, was much used and became well marked.

[2] Bancroft, *Hist. of Arizona and New Mexico*, 396; *Hist. of California*, I, 353–371. Richman, 133–136.

[3] The project of an overland route was discussed again in 1796, but nothing was done; and again a fruitless effort to open communication was made in 1822.—(Richman, 237, 458. See also, in this same connection, W. E. Dunn's "Missionary Activities Among the Eastern Apaches," *Tex. Hist. Quar.*, XV, 186–200.)

The remaining frontier province of Mexico on the north was Texas, first visited by the Spaniards, as we have seen, in the sixteenth century, and finally occupied by them in 1716.[1]

The Texan missions were under the Franciscans, and in all essential respects resembled those in California. The Indians were treated as children, were duly taught the Christian doctrine, were required to do some small amount of field labor, and were rudely clothed and fed. But the effort to turn the wild tribes of Texas into God-fearing peasants was very far from successful. They were very different from the indolent and timid Californians. So long as knives or blankets were to be got, or when the fiercer Apaches and Comanches were on the war-path, members of the weaker tribes would assemble round the missions and were quite ready to promise anything that was asked of them. But in the long run, to labor and to pray with monotonous regularity proved to be beyond their power. They seem even to have exhibited a positive aversion to the simple rite of baptism. They could only be kept from running away by the employment of the secular arm, and the presidial soldiers who acted as a guard were not very earnest or very efficient when it came to chasing runaway Indians.

A few settlers who were neither soldiers nor priests came from time to time into Texas, but they were not much encouraged, and their numbers always remained small.

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[1] See pages 3–7 above. See also, as to the motives for the occupation of Texas, Bolton's "Spanish Occupation of Texas, 1519–1690," *S. W. Hist. Quar.*, XVI, 1–26.

In 1762 all interest in the colonization of Texas on the part of the government of New Spain ceased. Louisiana was ceded to the Spanish crown, and for some years the existence of expensive missions and military posts was barely tolerated by the authorities of New Spain. A disastrous attempt to establish a mission among the Lipan Apaches and a disastrous attack on a Comanche village served to emphasize the dangers to which the Mexican priests and soldiers were constantly exposed. It was thought that if the Texan establishments were not to be destroyed by Indians, they would have to be either abandoned or strongly reinforced, and the government decided on the policy of abandonment. Nobody believed that Mexican colonists could keep their own roofs over their heads. Accordingly the presidio of El Pilar, east of the Sabine, and a presidio more recently built at Orcoquisac, on the Trinity River, were evacuated. The friars had to follow suit, and for some years there were few white men in Texas east of Béxar (now San Antonio) and La Bahía (now Goliad). A few exceptionally enterprising Mexicans returned in 1779 to the site of the old Nacogdoches mission, where they succeeded in maintaining themselves against the Indians.[1]

What the population of Texas was about this time it is hard to say, but probably the number of Mexican or Spanish settlers was not far from twenty-five hundred, of whom nearly a half were in and near Béxar. In 1792 the population was said to be about three thousand. About Béxar there were still several missions in existence, but in a moribund condition. Most of the converts had fled. "The few still left under the padres' care," says Bancroft, "were vicious, lazy, tainted with syphilitic diseases, and were with great difficulty induced to gain a precarious living by cultivating their maize patches and tending their reduced herds. Nowhere in America had missionary work been so complete a failure."[2]

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[1] See Herbert E. Bolton, "Spanish Abandonment and Re-occupation of East Texas, 1773–1779," in *Tex. Hist. Quar.*, IX, 67–137.

[2] Bancroft, *North Mex. States and Texas*, I, 667.

So far as the government of New Spain was concerned, Texas had almost ceased to exist. In spite of its agricultural possibilities, it was difficult for settlers to continue in the country after the government gave up the task of trying to restrain the Indians, who seem to have long preserved bitter recollections of the way in which they had been treated by the presidial soldiers. "The barbarous use which the friars made of the religio-military force," says a Mexican author who visited Béxar in 1828, "was the origin among the natives, not only of hatred to the Spanish name but also of reprisals of which the Texans have been and are victims."[1] But the Indians were shrewd enough not to carry their hostilities too far, and especially at seed-time and harvest the Comanches protected the farm hands near Béxar.[2] These poor inhabitants lived a hand-to-mouth existence, but slowly multiplied. There was even some trifling immigration, partly from Mexico and partly from Louisiana, and four or five families of English descent managed somehow to establish themselves near Nacogdoches. The inhabitants had little trade, even contraband. They had no manufactures, no ambitions, and few wants. No one kept statistics, and no traveller visited their country.

The cession of Louisiana to the United States at once changed the whole situation and brought with it, in a new and much more serious form, the danger of foreign encroachment. Forty or fifty years before, Louis XV would have had little difficulty in restraining his creole subjects from excursions into the Spanish dominions, but the arm of the government at Washington was not long, and the backwoodsmen who had won Kentucky and Tennessee and were already across the Mississippi were not the men to respect an imaginary boundary line.

Even before the cession of Louisiana the authorities of New Spain had had a foretaste of what they might expect. In October, 1800, a certain Philip Nolan with some twenty men, mostly Anglo-Americans, left Natchez, crossed Louisiana into Texas, and began collecting wild horses somewhere on the Brazos River. He had a passport from the governor of Louisiana, but this gave him no authority to enter Texas. In the spring of 1801 his party was attacked by a strong Spanish force that had been sent out to capture them. Nolan himself was killed and the rest were made prisoners. After a time one was hanged, some escaped, and some were sent to fortresses in different parts of Mexico, where they suffered a long captivity.[1]

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[1] Berlandier y Chovel, *Diario de Viage*, 116.

[2] *Ibid.*, 121.

There is some rather vague evidence to show that Nolan had a notion of building a fort among the Indians, and ultimately using that as a base for conquering Texas. This is, however, very inconclusive. Ostensibly he went to get horses, and to trade with the Texan Indians. No doubt he had been told by the United States authorities, and notably by the commanding officer, General Wilkinson, to collect all the information he could, but his expedition was absurdly inadequate to accomplish any wider purpose. The whole affair was unimportant, except to the unfortunate men who were concerned in it; but it attracted attention then and afterward, as it was very erroneously believed that the government of the United States had in some underhand way promoted the expedition.

More serious causes of alarm were discoverable when the disagreements between the United States and Spain brought the two countries to the very verge of war. On both sides of the frontier, as has been already related, all available military forces were assembled and actual hostilities were narrowly averted. Neither party, however, was really anxious to fight, and that storm passed over.[2]

In preparation for possible hostilities the Spanish government in 1804 had gone so far as to begin collecting in the Peninsula a body of troops which was destined to occupy Texas. The objects which were proposed were stated to be three, namely: to defend the frontier against any aggression from the United States, to protect the country from Indian raids, and to found a community which should be skilled in the use of fire-arms and at the same time skilled in agriculture or the various handicrafts. The Spanish statesmen evidently had their eye on the American frontiersman, and they expected, by paternal methods, to match him in a colony of subsidized settlers. They therefore proposed that the troops destined for Texas should be all married men who had some trades of their own—farmers, carpenters, masons, blacksmiths, and the like; and, in addition, some poor but respectable families and a "multitude" of foundlings were to be added, making in all about five thousand souls.[1] War with England and the day of Trafalgar put an end to this benevolent project.

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[1] Nolan was a confidential agent of General Wilkinson, and for a time acted as his go-between with the Spanish authorities at New Orleans, where he was popular. "*Garçon charmant, et dont je fais le plus grand cas,*" was Carondelet's description of him in 1797.—(Clark's *Proofs of the Corruption of Wilkinson*, App. 102.)

[2] See above, p. 14.

When the Mexican revolution broke out Texas was not, like New Mexico and California, so remote from the seat of war as to be left on one side. On the contrary, Texas soon became the scene of a good deal of serious fighting, in which adventurers from across the border bore an active part. Filibusters from east of the Sabine and pirates from the tropical seas were at all times ready to take advantage of any opportunities that the varying phases of the contest might afford.

The first conspicuous movement was in the summer of 1812, when a body of men, originally recruited among the loose characters of the neutral ground,[2] marched into Texas under the command of Bernardo Gutiérrez de Lara, who had been a follower of Hidalgo's. Many of the men were American citizens who were probably animated by various motives, among which a love of adventure and the prospect of a share in the plunder of Mexico must have been conspicuous. Among them was a former officer of the United States army, Lieutenant Augustus Magee. This little force, which at first only numbered one hundred and fifty-eight, marched through Texas from end to end, being constantly recruited from Louisiana as it proceeded, and in October captured the important position of La Bahía (Goliad). The royalist forces, under Salcedo, the governor of Texas, and Herrera, the governor of Nuevo Leon, then laid siege to La Bahía, but after four months of ill success fell back toward Béxar (San Antonio). The insurgents followed, and on March 29, 1813, utterly defeated the royalists. As the prisoners were mostly local militia they were generally allowed the option of joining the insurgents—as many of them did—or of returning home. The fourteen principal officers who had been captured, including the two governors, were, however, put in jail, where they were treated rather as malefactors than as prisoners of war, and were presently brought before a court-martial composed chiefly of personal enemies of the two governors.[1] All the fourteen were condemned to death. The sentence, however, was not carried out because the men from the United States, who were the backbone of Gutiérrez's forces, protested forcibly against any such barbarous proceedings. Gutiérrez pretended to accede to the wishes of the Americans and sent off the unlucky fourteen under an escort of seventy men, upon pretext of taking them to Matagorda Bay and so shipping them to Spain, but no sooner were they fairly out of Béxar than their throats were all cut by their escort.

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[1] Filisola, *Guerra de Téjas*, I, 47.

[2] See above, p. 14.

Gutiérrez tried first to evade responsibility for this piece of savagery, and then to excuse it on the ground of the cruelties which these very Spaniards had committed. The more respectable of the Americans, however, had had enough of Mexican warfare and left for home. What happened after this is not quite clear, but at any rate Gutiérrez was deposed and Alvarez de Toledo, an ex-officer of the Spanish navy, was put in his place.

In August, 1813, Toledo had under his command over three thousand men, of whom about eight hundred and fifty were Americans, seventeen hundred were Mexicans, and five or six hundred were allies from various unsubdued Indian tribes. With this motley force he engaged a body of Spanish troops near Béxar, west of the River Medina. The result was a total defeat of the insurgents after a stubborn fight. As usual, all the prisoners were shot the same day.

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[1] Filisola, *Guerra de Téjas*, I, 56. See an account of the two governors in Coues's edition of *Pike's Travels*, II, 697–704.

As soon as the inhabitants of Béxar learned of the royalist victory they attempted to get away, preferring, as they said, to beg their food in Louisiana, or even among the Indian tribes, rather than face the victorious forces. Nevertheless, few escaped, and the worst anticipations were fully justified by the treatment of those who were caught. Both in Béxar and La Bahía a number were put to death, and those who were permitted to live—women as well as men—were subjected to the most shocking cruelties.[1] From Béxar a detachment was marched to Nacogdoches, murdering, plundering, and burning as it moved; and once more the authority of the King of Spain was enforced, more or less imperfectly, from the Rio Grande to the Sabine.[2]

The island of Galveston, however, was soon lost to the crown. In 1816 it was occupied by a band calling themselves revolutionists, originally organized by one Luis de Aury and afterward commanded by Jean Lafitte, whose legendary exploits as "the pirate of the Gulf" were long commemorated in the juvenile romance of the nineteenth century. Aury and Lafitte were furnished with letters of marque from the revolutionary governments of Mexico and the South American states. These "privateers," many of which were said to be owned by citizens of the United States, were often engaged in the slave trade and were generally manned by crews too careless to discriminate between the flags of Spain and other nations. It soon became impossible to tolerate their depredations. The United States brig *Enterprise*, Captain Kearney, visited Galveston early in 1821, and the mere show of force served to break up that establishment forever.[1]

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[1] Filisola, who confirms the above, calls the Spanish commander, Arredondo, "*un azote de la humanidad y el verdadero tipo de la más salvaje tiranía de que puede avergonzarse la especie humana*" (a scourge of humanity and a genuine type of the most savage tyranny which mankind can blush for).—(*Guerra de Téjas*, I, 75.)

[2] Elizondo commanded the fifteen hundred men who marched to and occupied Nacogdoches. He is said to have left small garrisons at Nacogdoches, at the "old fort of the Adaes," on the Colorado River, and on Matagorda (San Bernardo) Bay.—(*Ibid.*, 76.) But it is not likely that he crossed the Sabine.

During its piratical revolutionary period this port served as a base for a most gallant and ill-fated expedition against the royal authority in New Spain. On November 24, 1816, when the Mexican revolution was almost at its lowest ebb, Francisco Xavier Mina, a young Spanish gentleman who had made a great reputation as a successful guerilla chief during the French occupation, and who had been proscribed by the reactionary government of Ferdinand VII, arrived at Galveston, accompanied by a cosmopolitan party of adventurous followers—Spaniards, Italians, English, and Americans. After some four months spent in preparation he sailed away toward Mexico, landed in the present state of Tamaulipas, and with a force which grew like a snowball, he made his way into the interior, and joined, near Guanajuato, one of the rough bands that were still holding out against the government. For a time he carried on successfully an irregular warfare, but he was taken prisoner at last, in November, 1817, was exultingly shot by his captors, and later became one of the heroes of the Mexican Pantheon.[2]

The neighborhood of Galveston was the scene of another picturesque adventure. A French colony, composed of old soldiers of the Empire, headed by General Charles Lallemand, came to Texas in the spring of 1818 and established themselves on the Trinity River. The site they selected was to be known as the Champ d'Asile, and, according to the plans published in Paris, was to have been a very complete town.[3]

The French settlers had not thought it necessary to ask permission to enter the country, and as soon as the Spanish government heard of the intrusion they sent a force of soldiers to drive the Napoleonic invaders out. The colonists, warlike as they had once been, knew when they were beaten. They did not wait to be attacked, but retreated to the coast, where some of them probably joined Lafitte, some went to Mexico to join the revolutionists, and some found their way to New Orleans. Lallemand himself remained for several years in the United States, but returned to France after the establishment of the monarchy of July, was reinstated in the army, and died in 1838.[1]

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[1] Yoakum, I, 180–197, 202; Bancroft, *North Mex. States and Texas*, II, 34–43; *Amer. St. Papers, For. Rel.*, IV, 134, 138; *State Papers and Pub. Docs. of the U. S.* (3d ed., Boston, 1819), XI, 359, 386.

[2] See Robinson's *Mina's Expedition* for details. By the law of July 19, 1823, Mina and others were declared to be "*beneméritos de la patria en grado heróico,*" and their names were ordered inscribed in letters of gold in the legislative chambers.—(Dublan y Lozano, I, 660.)

[3] The project excited much interest in France and was helped by the remnant of the Bonapartists. Béranger, in some verses entitled *Le Champ*

In a less ostentatious way a small body of German adventurers also came to Texas from New Orleans in the course of the year 1821. They landed near Copano and managed to get as far as Goliad, where they were all made prisoners.[2]

These were both peaceful though ignorant and illegal attempts at settlement, but one purely filibustering expedition remains to be noticed. In 1819 James Long, who had been a surgeon in the United States army, fitted out, more or less openly, an expedition at Natchez.[3] His intention was to establish Texas as an independent republic, and he appealed with so much success to the love of adventure

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d'Asile, pictured the French leader explaining to the natives the reasons for his settling among them:

"*Un chef de bannis courageux,*
Implorant un lointain asile,
A des sauvages ombrageux
Disait: 'L'Europe nous exile.
Heureux enfants de ces forêts,
De nos maux apprenez l'histoire:
Sauvages! nous sommes Français
Prenez pitié de notre gloire,'"

and so forth.

[1] The anonymous work, *Le Champ d'Asile* (Paris, 1819), and Hartmann and Millard's *Le Texas* (Paris, 1819), are the principal sources of information concerning this foolish undertaking. See also "The Napoleonic Exiles in America," by Jesse S. Reeves, in *Johns Hopkins Univ. Studies in History*, ser. XXIII, Nos. 9 and 10, where an account of the antecedents of the principal men concerned and the origin of their plans will be found.

[2] *German-American Annals, N. S.*, VI, 329.

[3] Long had married a niece of Gen. Wilkinson, and thus seems, like Nolan, Burr, and Pike, to have come under the influence of that indefatigable plotter. After his marriage Long left the army and was first a planter and then a merchant, and apparently not very successful in either capacity. See Foote's *Texas*, I, 201–203.

of the people of the Southwest that by the time he reached Nacogdoches his force had grown from seventy-five to three hundred men. Their procedure was very characteristic. The first thing they did was to organize a complete civil government, the next was to publish a newspaper.[1]

Long's republic had lasted less than four months when a detachment of the Spanish army attacked and utterly dispersed them.[2] Long himself was not discouraged. He escaped by way of Galveston to New Orleans, and in 1821 again led an expedition—this time under the auspices of certain Mexican revolutionists—against Texas. He landed at the mouth of the San Antonio River about the first of October, 1821, but was easily captured. As Mexico had now gained her independence, he was not shot at the time; yet he did not escape with his life, for a few months later he was killed in the city of Mexico.[3]

By the time that Mexican independence was fairly achieved, Texas was almost depopulated. The Spanish troops and the horse Indians between them had very nearly succeeded in destroying every semblance of cultivation and civilized life. A few destitute people still lingered about Béxar and La Bahía, and some few in and near what had once been Nacogdoches. Otherwise the country was deserted. Its wide and fertile expanse lay in the sight of all men, a huge and tempting prize for whosoever, Mexican or foreigner, was skilful enough or bold enough to take it.

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[1] The first number appeared Aug. 14, 1819. See *Tex. Hist. Quar.*, VI, 162; VII, 242.

[2] Poinsett, on his first visit to Mexico, was able to get Iturbide's government to release some of Long's men who were still held as prisoners.—(*Notes on Mexico*, 122.) One of these prisoners was Benjamin R. Milam, who afterward played a conspicuous part in Texas. An interesting letter from him to Poinsett, dated Dec. 5, 1822, in which he complains of some of the ruffians who were his comrades, is preserved among the *Poinsett MSS.*

[3] The accounts differ as to circumstances of his death. Bancroft thinks the most probable version is that he tried to enter the barracks of Los Gallos, and, being refused, struck the sentinel, who straightway shot him.—(Bancroft, *North Mex. States and Texas*, II, 51.)

CHAPTER VI

THE PERMANENT SETTLEMENT OF TEXAS

The general policy of all the European nations in the eighteenth century and a part of the nineteenth excluded from their respective colonies all commerce with foreign countries. Spain followed the same principles, but carried them out more logically. Her legislation, adopted at the very beginning of her colonial empire, involved a system of isolation under which no foreigner was to be allowed to set foot within her dominions. Japan was hardly more rigid. The reasons for this extreme policy were complex. The securing a complete monopoly of trade was one of the motives common to her and to other European countries, but more important perhaps were the religious objects which the conquest of the Indies involved. It must never be forgotten that the conversion of the heathen was always actually and vividly present in the minds of the mediæval explorers and conquerors, as well as in the minds of the successive Catholic Kings, and that a genuine zeal for the welfare of the natives found its expression in all the Spanish colonial legislation of that period. Moreover, as the Spanish title to America rested upon the bull of Alexander VI, which granted the newly discovered lands upon trust to christianize the Indians, the Kings of Spain considered it incumbent upon them to exclude from that field all whom they could not control. More especially did they do their utmost to exclude all heretics, whether French Huguenots, Dutchmen, or Englishmen.

But plainly it was not enough merely to close the doors to foreigners and heretics. Unworthy Spaniards must also be kept from contact with the natives, and accordingly regulations of extraordinary minuteness were adopted. No one, of course, could even visit the Indies without a passport, and it was the law that no passport should be issued to any man unless he presented satisfactory evidence of good character and made it appear that he had never been accused before the Inquisition, and was not the son or grandson of a person who had been convicted by that tribunal.

Permission to settle permanently in the colonies was more difficult. It was at first granted with reluctance, even when all the necessary evidence was forthcoming. Preferably, passports were granted for a limited period only. When granted for one colony they were not available for any other, and the holders were required to go to their destination by the most direct route. To go from one colony to another a new passport must be obtained.

These, it must be noted, were the early ideals, but as time passed the dream of developing the colonies through the labor of regenerated races of christianized Indians, working under the direction of a paternal government and supervised by an army of devoted friars, was either forgotten or tacitly abandoned. The Bourbon princes who succeeded to the throne early in the eighteenth century were more amenable to modern ideas, and especially to French ideas, than their Austrian predecessors, and the pressure of the constant and world-wide warfare of the latter half of that century frequently compelled temporary relaxation of the general colonial laws, sometimes with, and more often without, the previous sanction of the superior authorities in Spain. There also came in course of time to be a variety of individual cases, in which for one reason or another exceptions were permitted. "Some foreigners have found and do daily find means," said an experienced traveller, "to evade the law, either by stratagem, or by the tolerance of the governors or commandants of the ports at which they land."[1]

Toleration of the presence of foreigners was practised in Louisiana under Spanish rule to an extent quite unheard of in any of the other colonies of Spain. The reasons were obvious. To begin with, the population was not Spanish but French.

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[1] Depons, *Voyage à la Terre Ferme*, I, 183.

Again, the fact that British vessels had a right under the treaty of 1762 to navigate the Mississippi from its mouth to its source, and the fact that under that same treaty the whole east bank of the river, from a point just above New Orleans, was British territory and contained actual British settlements, introduced features entirely unknown elsewhere.

It is therefore not surprising to find that as early as the outbreak of the American Revolution there were a number of English-speaking residents in New Orleans.[1] Later on, the rapid growth of the population of Kentucky and other parts of the Mississippi valley gave rise to new perplexities, and finally compelled the Spanish authorities, after 1795, to grant a certain authorized freedom of commerce. The successive governors of Louisiana, during the last years of Spanish rule, pursued an extremely vacillating course, but there were times when American settlers were actually invited into the colony and grants of land were actually made to immigrants from the United States.[2]

Such concessions, however, were peculiar to Louisiana alone. They were entirely unheard of in any other part of the Spanish possessions, and would have seemed to experienced colonial officials as something almost contrary to the established course of nature. It certainly was so in Texas, and therefore Governor Martinez of that province was greatly surprised and shocked when in November of the year 1820 a Connecticut Yankee rode into Béxar and coolly requested that a tract of land be given to him as the site of a whole colony of foreigners.

The enterprising stranger was Moses Austin, a native of the town of Durham, which lies next to Middletown, in Connecticut. He was born about 1764 and when a lad had gone into business in Philadelphia. There he was married in the year 1785.[3] From Philadelphia he moved to Rich-

[1] Martin, *Hist. of Louisiana*, II, 26–28, 36.

[2] In 1799 the Bishop of New Orleans forcibly protested against the mob of adventurers, who were permitted to reside in Louisiana, and who knew not God or religion—evidently emigrants from the United States.—(Robertson's *Louisiana*, I, 356.)

[3] Mrs. Austin was a member of a New Jersey family long settled in the United States.—(*Tex. Hist. Quar.*, X, 343.)

mond and became interested in lead mining in the mountains of Virginia—an enterprise that did not prove profitable. Hearing of lead mines west of the Mississippi he managed to obtain a passport from the Spanish minister in Washington, and after a difficult and dangerous journey of exploration in the dead of winter, he finally settled with his family in the year 1798 in the colony of Louisiana, at a place near the present town of Potosi in the state of Missouri.[1] Five years later the cession of Louisiana brought Austin once more within the limits of the United States.

For a number of years his affairs prospered, but in 1818 he was ruined by the failure of a St. Louis bank of which he had been the founder and chief stockholder. The irrepressible Yankee again asserted himself. The conclusion of the Florida treaty had now clearly defined the boundaries of the Spanish possessions, and Austin resolved to repeat the same experiment which he had tried successfully twenty years before. After careful preparation, he started in the latter part of 1820 on a preliminary visit to Texas. Six months previous to his departure the passage of the Missouri Compromise had in effect decided that the southwestern portion of the United States should become a series of slave states.

Austin safely crossed the deserted wilderness of eastern Texas and arrived at Béxar without molestation, precisely as Saint-Denis had arrived at the presidio of the Rio Grande one hundred and five years before. In no material respect was the Texas of 1820 different from the Texas of 1715.

Governor Martinez did not receive Austin cordially.

> "At the first interview," his son relates, "my father received a most peremptory order to leave Texas immediately; he endeavored to palliate and give a favorable turn to matters by entering into a genial conversation with the governor in French, which they both understood, but his efforts were fruitless; the governor even refused to read the papers my father presented as evidence of his having formerly

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[1] An interesting account of Moses Austin's first journey across the Mississippi will be found in *Amer. Hist. Review*, V, 518–542.

been a Spanish subject in Louisiana, and repeated his order, with much asperity and some passion, to leave Texas immediately."[1]

Fortunately for Austin he happened, just as he left the governor, to meet an old Louisiana acquaintance, a cosmopolitan adventurer who had once been in the Spanish service and was now living in great poverty at Béxar, the Baron de Bastrop.[2] With this man's aid, Austin managed to get a hearing from the indignant governor. What arguments were offered is not related, but the rather surprising result was that a week after all the asperity and passion of the first interview the governor and *ayuntamiento* of Béxar united in a letter advising the superior authorities to grant permission for settling three hundred American families in Texas.

The work of Moses Austin was now finished. He could do no good by remaining at Béxar, and he returned home to await the result. The journey in winter was full of dangers and difficulties. By the time he reached Missouri he was in a most serious condition of health, and he died June 10, 1821, in the fifty-seventh year of his age. He had learned before his death from Governor Martinez that the proposed grant of land had been duly authorized by a decree of the viceroy of New Spain, and he was planning another visit to Texas when the end came.[3]

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[1] *Comprehensive Hist. of Texas*, I, 442.

[2] The history of the Baron de Bastrop is very imperfectly known. In a Spanish official document he is called Don Felipe Henrique Neri, Baron de Bastrop; but the Spaniards often made sad work of foreign names.—(*Comprehensive Hist. of Texas*, I, 479.) In 1820 he was very old, but hale and active. He is said to have been a native of Holland, to have served under Frederic of Prussia, by whom he was ennobled, and then to have served under the Spanish colors. He asserted a dubious claim to an extensive tract of land on the Washita River, which he sold to Aaron Burr, and which Burr asserted was the goal of his expedition. See *Tex. Hist. Quar.*, VI, 248, for some account of Bastrop. As to his grant of land on the Washita, see White, *A New Collection of Laws*, etc., II, 404–408. The grant was made by Carondelet, Governor of Louisiana, June 21, 1796. See also Dunbar and Hunter's Observations in *Amer. St. Papers, Indian Affairs*, I, 731–743.

[3] The letter from Martines was dated Feb. 8, 1821, and was probably received by Moses Austin in April or May. As to details, see *Comprehensive Hist. of Texas*, I, 440–444, 470; *Tex. Hist. Quar.*, VII, 286; X, 345. The decree of the viceroy was dated Jan. 17, 1821.

Stephen Fuller Austin, the eldest son of Moses, who now took up and carried forward to success his father's work, was at this time twenty-seven years old. He was born in Virginia November 3, 1793. He went to school in Connecticut, spent two years at college in Kentucky, and returned to Missouri when about eighteen years of age to help his father in the management of his multiplying business. When only twenty years old Stephen Austin became a member of the territorial legislature of Missouri, a position he retained for six years. In the spring of 1819, when he and his father had agreed on the plan for making a settlement in Texas, he left home for Arkansas to arrange there for carrying on the enterprise, and during the eighteen months that he spent in Arkansas, he located the town of Little Rock and served as one of the circuit judges of the territory. In person he was short and slight, with dark hair and a penetrating eye. All who saw him seem to have fallen under the spell of his very agreeable personality, and to have preserved pleasant memories of his winning smile and of what one old friend described as "his simple, unpretentious, gentle, and dignified manners," and his "unconscious magnetic bearing and influence among men."[1]

In the autumn of 1820, when his father finally set out for Texas, Stephen Austin went to New Orleans, where he found occupation as a newspaper editor. He remained in New Orleans for six months, until he learned that a grant to his father had been authorized, and on June 18, 1821, eight days after his father's death, of which he was still entirely ignorant, he started for Natchitoches where he and his father had agreed to meet and travel west to select the site for their colony. There he met two commissioners from Béxar, who had been sent by the governor to escort the expedition. It was not until after Austin had made up an exploring party of about a dozen men, that he received letters from home announcing his father's death, just thirty days after the event.

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[1] Robert Mills, in *Comprehensive Hist. of Texas*, I, 500; and see *Tex. Hist. Quar.*, III, 6–10.

Stephen Austin's diary of his journey to Béxar gives a vivid impression of the condition of Texas in 1821.[1] From the Sabine to Nacogdoches there were a very few American settlers. Nacogdoches itself was in ruins, and of a once flourishing village there remained one church and seven houses "still standing entire, one of them two story high." Just beyond Nacogdoches two families had settled, "the last habitation to Béxar."

For twenty-two days the party journeyed through this two hundred and fifty miles of wilderness without annoyance from the Indians, although once they saw a large trail, and at night their sentinel saw "several Indians and other alarming things" which turned out in the morning to be stumps and roots of trees that had been blown over. Only once did they meet any human being, "two parties from La Bahía," whom we may conjecture to have been Mexicans moving back to Nacogdoches, although there were two women among them who spoke English. From these travellers were received alarming stories of the Comanches killing men and stealing horses in "the very Town of San Antonio," where "the people were in a very distressed condition." Without other incident the party rode into Béxar on Sunday the 12th of August, 1821, where they were met by "the glorious news of the Independence of Mexico."

The efforts of the Austins to establish themselves in Texas had in fact been closely contemporaneous with the efforts of Mexico to get rid of Spanish supremacy, and their success must have been due, in great measure, to the progress of liberal ideas. The year 1820, in which Moses Austin visited Texas, was the year of Riego's rebellion and of the restoration of the Cadiz Constitution of 1812. In June, 1820, the viceroy of Mexico had publicly sworn to uphold this Constitution, and had proclaimed liberty of the press and the abolition of the Inquisition; and had it not been for such changes in the form and spirit of the government it is hardly probable that the governor of Texas would have ventured to consent, in November of that same year, to Austin's projects. Even in his distant post the advent of the new ideas and aspirations of the rulers of Mexico must have become known.

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[1] See the complete text in *Tex. Hist. Quar.*, VII, 286–307.

In addition to a general desire to conform to the spirit of the age and to enter upon a career of liberalism marked by progress and national development, it seems likely that the colonial authorities were actuated by other notions of a very erroneous kind. From the fact that Moses Austin had come to Texas from Louisiana, they seem to have had a vague notion that the colonists he was to bring with him would be from Louisiana also, that Louisiana was a Catholic country inhabited by Frenchmen and Spaniards, and that the new settlers would be people who had once been subjects of the King of Spain and wanted to become so again.

But before the liberal intentions of the viceroy toward Austin could be carried out Mexico had shaken off her Spanish allegiance. It was on February 8, 1821, that Governor Martinez designated the representatives who were to meet Stephen Austin at Natchitoches. It was on February 24, 1821, that Iturbide proclaimed the plan of Iguala, and it was on the fifth of July, 1821, that the Spanish viceroy was deposed and independence was practically achieved. The news of this last event was that which greeted Stephen Austin as he came into Béxar.

The viceroy's permission to establish a colony in Texas was singularly free from restrictions. Austin might settle anywhere and take any quantity of land he chose, and he was not required to pay anything to the government. "It will be very expedient," was the language of the official decree of January 17, 1821, "to grant the permission solicited by Moses Austin that the three hundred families which he says are desirous to do so should remove and settle in the Province of Texas." The conditions were short and extremely simple;

"If to the first and principal requisite of being Catholics, or agreeing to become so, before entering the Spanish territory, they also add that of accrediting their good character and habits, as is offered in said petition, and taking the necessary oath to be obedient in all things to the government, to take up arms in its defence against all kinds of enemies, and to be faithful to the King, and to observe the political constitution of the Spanish Monarchy, the most flattering hopes may be formed that the said Province will receive an important augmentation in agriculture, industry, and arts."[1]

To profess the Catholic religion and to take an oath of allegiance proved, in practice, to be easy burdens for the consciences of eager emigrants, and the conditions imposed were lightly accepted by Stephen Austin. Two days after his arrival in Béxar he secured a letter from Governor Martinez authorizing him to proceed to the River Colorado and to select a place for the three hundred families. These colonists, Martinez stated, would be permitted to come to Texas either by land or sea, but in the latter event they could only disembark in the Bay of St. Bernard (Matagorda Bay, the site of La Salle's old settlement), which had recently been established as a port of entry—the only one in Texas. No duties were to be charged on provisions imported by the emigrants for their own use, or on farming utensils or tools.[2]

Having spent ten profitable days in Béxar, Austin and his party started out to explore the country to the south and east, where they found everything "as good in every respect as man could wish for, Land all first rate, plenty of timber, fine water—beautifully rolling."[3]

Before November Austin was back in New Orleans, full of eager occupation, enlisting settlers and chartering schooners to carry emigrants and supplies to the new colony. In December he was once more on the banks of the Brazos River with the first of the emigrants, and here the earliest Anglo-American settlement in Texas was firmly planted.[4] Privations and dangers, such as had attended all the enterprises of American pioneers from the days of Raleigh, had to be faced by Austin's colonists, although in those almost tropical latitudes they escaped one bitter enemy. They were spared the prolonged rigors of a Northern winter.

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[1] *Comprehensive Hist. of Texas*, I, 470. [2] *Ibid.*, 472.

[3] Austin's Journal, Sept. 20, 1821; *Tex. Hist. Quar.*, VII, 306.

[4] For an account of Austin's arrangements with the early colonists, see *Tex. Hist. Quar.*, VI, 319.

Of their early troubles, Austin himself has given a vivid account.

> "One vessel," he says, "the Schooner *Lively*, was lost, without any avail or benefit whatever to the settlement; for, owing to the inaccuracy of the charts, or some other cause, those who commanded the first vessels did not find the appointed place of rendezvous, the mouth of the Colorado.[1] One cargo which reached that place, was destroyed by the Carankaways in the fall of 1822, soon after it was landed, and four men were massacred. These disappointments compelled the emigrants to pack seed-corn from the Sabine or Bexar, and it was very scarce at the latter place. They were totally destitute of bread and salt; coffee, sugar, etc., were remembered, and hoped for at some future day. There was no other dependence for subsistence but the wild game, such as buffalo, bear, deer, turkeys and wild horses. . . . The Carankaway Indians were very hostile on the coast; the Wacos and Tehuacanas were equally so in the interior, and committed constant depredations. Parties of Tonkaways, Lipans, Beedies, and others were intermingled with the settlers. They were beggarly and insolent, and were only restrained the first two years by presents, forbearance and policy; there was not force enough to awe them." [2]

But want and danger from thieving Indians were not the only difficulties with which the pioneers were forced to contend. These were the inevitable accompaniments of an attempt by adventurous and poorly equipped settlers to establish themselves in a new country. There was now added the unpleasant fact of finding themselves in conflict with the rulers of the country.

Austin had proceeded with his plans and enlisted his companions on the strength of nothing more definite than a letter from Governor Martinez. It seems not to have occurred to him that a formal grant might be requisite, and it was therefore "totally unexpected and very embarrassing" to be told, when he reached Béxar again, in March, 1822, that it would be necessary for him to procure a confirmation from the Mexican Congress. There was nothing for it but to go to Mexico himself, and on April 29 he arrived in the capital at a most unpropitious time.

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[1] Compare with this statement the articles in *Tex. Hist. Quar.*, III, "Adventures of the 'Lively' Immigrants," 1–32, 81–107, and "What Became of the 'Lively,'" 141–148.

[2] *Comprehensive Hist. of Texas*, I, 450.

The news of the refusal of the Spanish Cortes to recognize the treaty of Cordova or to permit a member of the royal family to assume the independent crown of Mexico had just been received, and all sorts of fierce intrigues were going on, more or less publicly, with reference to the future government of the nation. Foreigners too had descended upon the country, seeking concessions for mines or land, and presumably not very scrupulous as to the means for attaining their ends.[1] And amid all this turmoil and the conflict of rival interests, it is not surprising that Austin's business was not quickly disposed of.

While he waited, full of activity and hopefulness, in the Mexican capital Iturbide was crowned Emperor, formed his imperial court, and by a *coup d'état* dissolved Congress. It was not until this was done that anything was actually accomplished in regard to the settlement in Texas, although during the existence of Congress the subject of a general colonization law, under which foreigners might be admitted to take up and settle the uninhabited regions of the republic, had been debated at much length. The question of slavery was that which had principally delayed the passage of a law. Austin, who was by far the most efficient of those who were seeking concessions, and whose character inspired confidence in the Mexican leaders, was in principle opposed to slavery; but he was then convinced that at least temporary toleration was necessary if any colony in Texas was to succeed. The semi-tropical climate and the fact that the best lands were in malarial river bottoms seemed to him to make negro labor absolutely essential to agriculture; and as emigrants would naturally be farmers from the adjoining slave states, he believed that the difficulties of attracting settlers would be immensely multiplied if slavery were prohibited.

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[1] Among the American seekers for concessions was the old Spanish pensioner General James Wilkinson, who went to Mexico in the spring of 1822 to try to pick up a living where he would not be subject (as he said) to "the disposition of the little Jesuit Maddison or his Bifaced successor Monroe." A characteristic letter written by him to a friend April 17, 1823, giving an account of Iturbide's career and other Mexican affairs, is printed in the *N. Y. Pub. Library Bull.*, III, 361. An equally characteristic and impudent note, demanding an official certificate of character from the American minister, exists among the *Poinsett MSS.* (July 9, 1825). Wilkinson got a concession for land in Texas, but died near Mexico Dec. 28, 1825, leaving the conditions of the grant unfulfilled.

To Austin's self-interested and commercial views were opposed the more elevated theories of some of the best men in Mexico, who desired that their country, which had just attained its independence, should keep slavery out of its as yet unsettled lands. It was the same spirit as that which had led the American Congress in 1786 to prohibit slavery in the Northwest Territory. In the case of Mexico, however, the question was far more difficult to decide, for the evidence seemed to be strong, if not conclusive, that if slavery were prohibited colonization would not take place.

The doubtful controversy was still unfinished when Iturbide dissolved Congress, but it was renewed in the sittings of the *Junta Instituyente* soon after the beginning of November, 1822.[1] By January 4, 1823, a conclusion had been reached which was acceptable to Austin, and the important statute, known in the Texas courts as the imperial colonization act of 1823, was duly enacted. This measure, which forms the starting-point of Mexican legislation on the subject, and marks the complete and deliberate abandonment of the most cherished maxims of Spanish colonial administration, deserves careful examination.

After a declaration that the government would protect the liberty, property, and civil rights of all foreigners who professed the Catholic religion, the statute provided for the distribution of public lands either directly to individual families or indirectly through the agency of *empresarios*. An empresario was defined as a contractor with the government who should undertake to introduce not less than two hundred families. Public lands were to be classified as grazing lands and arable lands. Colonists whose occupation was farming were to receive at least one *labor*, or about 177 acres; and those whose occupation was grazing at least one *sitio*, or about 4,428 acres. An empresario who had actually established two hundred families was entitled to receive as a bonus for himself fifteen sitios and two labors, or something more than 66,000 acres of grazing lands and something less than 360 acres of arable land; but his title was to lapse unless, first, these lands were settled and cultivated within twelve years, and, second, unless two-thirds of the lands allotted to him were sold or given away within twenty years. In the same way the titles of colonists were to lapse if they failed to cultivate their lands within two years after the grants to them. Villages and towns were to be formed and priests supplied by the government as soon as a sufficient number of families were assembled. The colonists were to be exempt for six years from the payment of all taxes, ecclesiastical or civil, and for the next six years thereafter they were to pay only half the taxes exacted from other citizens. Tools and implements of husbandry were to be admitted free of duty, as also goods to the value of two thousand dollars for each family. Foreigners established in the empire were to be considered naturalized at the end of three years if they exercised any useful profession or industry, had a capital sufficient to support themselves decently, and were married; and if they married Mexicans they were to have a preference. The importation of slaves was not prohibited, but if imported they were not to be sold, and their children were to be free.

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[1] A most interesting account of the debates, and of Austin's efforts to secure favorable legislation, will be found in Bugbee's "Slavery in Early Texas," *Pol. Sci. Quar.*, VIII, 302–395.

It is apparent on the most casual examination that this scheme required for its successful working a large force of highly skilled and intelligent officials. The classification of land and its surveying and allotment would have called for professional services of a high order. The keeping of accurate records was also an essential feature, as was an efficient inspection service to see whether the lands were occupied and cultivated as prescribed by the law. And the laying out of villages and towns would have also required the expenditure of substantial amounts of money, which the Mexican government could ill afford to spare.

Moreover, the law was very loosely drawn. It was made to apply only to those who professed the Catholic religion, but what tribunal was to ascertain the fact, or what was to be the fate of immigrants who proved not to be Catholics, was not stated. A like uncertainty attended the provisions relative to naturalization.

However, having succeeded in getting this legislation, such as it was, Austin's business was not to criticise but to make the best of it, and to secure a definitive grant under its terms. On January 14, 1823, the council of state approved generally the issuance of such a grant to Austin; and on February 18, an imperial decree directed that one labor or one square league of land (sitio) should be given to each of three hundred "Louisiana" families, with more for those who had many children, or who might merit special recognition. The governor of Texas was to designate and lay out the land. Austin was authorized to found a town at a point as central as possible for the colonists, "who must prove that they are Roman Apostolic Catholics, and of steady habits"; he was to organize these colonists as a body of national militia; and he was charged with the administration of justice, and the preservation of good order and tranquillity.

The signature of the decree was among the last acts of Iturbide's reign. The insurgents were even then rapidly closing in on the capital, and five days later two regiments mutinied, released the political prisoners from the old prison of the Inquisition, and marched out of the city. Next day two more regiments followed the same course. Iturbide's career was too plainly in danger of coming to a sudden end to make it wise for Austin to return to Texas with an unexecuted decree in his pocket, which might very possibly be repudiated by a new government. A new period of waiting—which must have been irksome indeed, to the active-minded man—had to be undergone. Events, however, moved fast. On March 7 Congress reassembled, on March 19 Iturbide abdicated, by the 1st of April a triumvirate was formed to administer executive functions, and on April 11 Iturbide sailed for Italy. The same day Congress authorized the "Supreme Executive Power" to confirm the

Austin concession. A short time afterward it was duly confirmed; and on the twenty-eighth of April, 1823—a year less one day from the time he had ridden into the capital—Austin rode away, his task fully accomplished.[1]

The local authorities, when Austin reached the Rio Grande, proved complaisant, and cheerfully recognized the grants made by the central authorities. It was officially proclaimed that Austin was authorized to administer justice, make war on Indian tribes, import goods, and govern his colony "according to the best of his abilities and as justice might require," until the government was otherwise organized.[2]

The last touch had now been put to the model of ineptitude which the Mexican government in its dealings with Austin had managed to construct. They had begun by making a bargain which was extraordinarily vague, and they had then abdicated and in effect turned over to the contractor the interpretation and supervision of the enterprise. Austin was a well-meaning and honorable man; but the highest sense of honor and the best intentions do not fit a man to be judge in his own cause.

A single example of the way in which this method of transacting business actually operated, will suffice. "The first and principal requisite" for intending emigrants had always been that they should be Catholics, or have agreed to become so, and the imperial decree of February 18, 1823, had declared that the colonists must prove "that they are Roman Apostolic Catholics, and of steady habits." The plain meaning of these words and the unquestionable intent of the authorities was that only Roman Catholics should come in as settlers; and there were very obvious reasons why this policy should have been adopted. How did Austin interpret this provision? "I wish the settlers to remember," he said in a manifesto issued just after his return to

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[1] The official communications from Gov. Martines to Moses Austin; imperial colonization law of Jan. 4, 1823; report of council Jan. 14, 1823; imperial decree of Feb. 18, 1823; resolution of Congress of April 11, 1823; and correspondence with the local Mexican authorities from July 26, 1823, to May 31, 1827, are printed in White's *New Collection*, I, 559–622.

[2] *Comprehensive Hist. of Texas*, I, 455–457, 473–477.

Texas, "that the Roman Catholic is the religion of this nation. I have taken measures to have Father Miness, formerly of Natchitoches, appointed our curate; he is a good man and acquainted with the Americans. We must all be particular and respect the Catholic religion." [1] In the same spirit a few years later a pamphlet issued in New York to intending settlers, informed them that "the Catholic continues to be the established religion of the state, as it is in most of the nations on the continent of Europe, and as the Episcopal is in England." [2] There was not a word in either document to show that the law forbade any but Catholics to become settlers.

As a matter of fact, it is quite possible that not one of Austin's settlers was a Roman Catholic. The immigrants were naturally recruited along the banks of the Mississippi, and they were much the same sort of population as that which first moved into Arkansas, or western Tennessee, or Mississippi. Thus, for example, out of three hundred and twenty-three old settlers, whose names are among those of the first class (*i. e.*, the earliest) of the Texas Veteran Association, forty-one were natives of New England and the Middle states, eight were natives of Louisiana, nineteen of foreign countries, one hundred and seven of the Southern Atlantic states, and one hundred and thirty-seven of the states bordering on the Ohio and the Mississippi.[3] They were no more Catholics than the men who settled Kentucky or Tennessee; and a decent respect to the established religion of Mexico was all that even the most scrupulous supposed was required of them.[4] If this was the respect paid to "the first and principal requisite" of the contract, it may readily be inferred with what exactness the less important details were complied with.

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[1] Address to Settlers, dated Aug. 6, 1823; *Comprehensive Hist. of Texas*, I, 494. He wrote long afterward that the stipulation requiring colonists to become Catholics was "formal and unessential."—(Austin to Wharton, Nov. 18, 1836; *Tex. Dip. Corr.*, I, 134.)

[2] *Address to the Reader of the Documents Relating to the Galveston Bay & Texas Land Co.*, 15.

[3] Baker, *A Texas Scrap-Book*, 585.

[4] *Ibid.*, "The First Sunday School in Texas," 69.

During the period between the spring of 1822, and the summer of 1823, while Austin was in Mexico, and while some action by the Mexican government was awaited which should define the legal status of the colonists and their slaves, the settlement of Austin's grant had hardly progressed at all; but now that he was recognized by Congress, and was helped by friendly officials who gave the most liberal interpretation to the terms of the law, he was able to recruit his ranks with great rapidity. In a very short time his colonists were scattered over the extensive region bounded by the San Jacinto and La Vaca rivers on the east and west, by the Gulf on the south, and by the San Antonio-Nacogdoches trail on the north. A town site, San Felipe de Austin, was established on the Brazos River at a point about a hundred and fifty miles east of Béxar.[1]

One of Austin's first cares was to establish a code of laws for his little kingdom. This was completed and promulgated early in the month of January, 1824, and being later approved by the *jefe político* of Texas, was put into effect at once. In most of its features it was adapted from American models, although in some instances Spanish names were bestowed upon the officers of justice. Austin himself was to be the chief judge and the sole court of appeal. Inferior courts were to be presided over by the *alcaldes*. An *alguazil* (sheriff) was to be appointed for the whole colony, and there was to be one constable for each alcalde to carry his decisions into effect.

There were some remarkable provisions in the code. Thus on an execution upon a judgment for money the constable was to seize the debtor's property; and if no property were found he was to seize the debtor himself; and if it appeared to the satisfaction of the alcalde that the defendant had "fraudulently conveyed away or concealed his property, then in such case the alcalde may at his discretion hire out the defendant to the highest bidder until his wages pay the debt." Indians whose conduct justified a belief that they meant mischief, were to be arrested and might be punished by the alcalde for rudeness or ill-treatment of settlers with not more than twenty-five lashes. Gambling was prohibited, but "horse-racing, being calculated to improve the breed of horses, is not included in the above prohibition." No person was to harbor or protect any runaway slave under severe penalties; and it was made the duty of every person who should find any slave away from his master's premises without a pass from his master or overseer, to tie him up and give him ten lashes.[1]

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[1] San Felipe de Austin must not be confounded with the present city of Austin, a much later settlement on the Colorado River.

The history of Austin's settlement has thus been traced in some detail, because it was the first of several similar enterprises under which foreign colonists were brought into Mexican territory under the auspices of the government, and were given liberal grants of public lands. The later cases differed from Austin's, in their legal aspect, only because they were established under general instead of special statutes; and the provisions of these later statutes must now be examined.

The resolution of the Mexican Congress, passed April 11, 1823, which authorized the confirmation of Iturbide's grant to Austin, had also provided that the imperial colonization law of 1823 should be suspended in all other cases. Nothing, however, was done in reference to this subject until August 18, 1824, when an act known as the national colonization act of 1824, was passed, which superseded the imperial act of 1823, and thenceforth regulated the subject so far as the federal authority had power to deal with it.

By this statute it is declared that "the Mexican nation offers to foreigners who come to establish themselves within its territory, security for their persons and property, provided they subject themselves to the laws of the country." The legislatures of the several states are to pass colonization laws, but no colony is to be established within twenty leagues of the boundary of any foreign country or within ten leagues of the coast, without the previous approval of the national executive; the right of eminent domain is to be reserved;

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[1] *Comprehensive Hist. of Texas*, I, 481–492.

no tax is to be imposed for four years on the entrance of foreigners; and no person who acquires a title to land under this law shall hold such land, if he is domiciled beyond the limits of the republic. The question of slavery was not dealt with.

Two clauses, drawn with the utter lack of precision characteristic of Mexican statutes, seem to indicate that a distrust of the American settlers was already felt. These clauses are as follows:

> "Art. 7. Before the year 1840, the general Congress cannot prohibit the entrance of foreigners as colonists, unless imperious circumstances should compel it to do so with respect to the individuals of some particular nation.
>
> "Art. 8. The government, without prejudice to the object of this law, shall take such precautionary measures as it may deem expedient for the security of the confederation, in respect to the foreigners who may settle within it." [1]

Under the foregoing act, the federal government prescribed regulations for carrying the law into effect, and authorized the jefe político of each district to issue grants of land to all qualified applicants, subject, of course, to all statutory restrictions.[2]

On March 24, 1825, the state of Coahuila and Texas, after considerable debate, adopted a local law of colonization, under the authority of the national colonization law of 1824. The controversy was again over the question of slavery, and the member from Texas, who was at this time Baron de Bastrop, was very warm in urging that it be permitted.[3]

After a short preamble, the state statute declares that all foreigners who wish to settle in any part of the state of Coahuila and Texas are at liberty to do so, "and the state itself invites and calls them." Foreigners desiring to settle must take an oath to obey the federal and state Constitutions, and observe the Catholic religion; must furnish a statement of their place of birth, age, and family (if any);

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[1] Dublan y Lozano, I, 712.

[2] See *Comprehensive Hist. of Texas*, I, 798, for the details of these rules.

[3] Bugbee, "Slavery in Early Texas," *Pol. Science Quar.*, XIII, 403.

and must "prove their christianity, morality, and good habits by a certificate from the authorities of the place from whence they came." Persons offering to bring in at their own expense one hundred families or more, are authorized to present their projects to the state government; and if these are found to be acceptable, the locality for such settlement will be designated by the state, which will guarantee to the families brought by the empresario, the due execution of the contract. As compensation to the empresario, the state will give him five sitios (22,140 acres) of grazing land, and five labors (886 acres) of arable land, for each one hundred families brought in.

Administrative details, including provision for a nominal payment by settlers for allotments, are carefully regulated. The state undertakes to provide a suitable number of priests, whose stipends (to be fixed by the state) are to be paid by the settlers. "In regard to the introduction of slaves," says article 46 of the law, "the new settlers shall subject themselves to the laws that are now, and shall be hereafter established on the subject." [1]

By the time of the passage of this act the success of Austin's colony had become so fully assured, that numerous imitators applied for contracts to import immigrants on the liberal terms set forth in the act, and the state authorities were unquestionably eager, not to say reckless, in granting concessions to empresarios.

As early as April 15, 1825, two contracts were entered into, for four hundred and eight hundred families respectively, which formed the bases of what were later known as DeWitt's Colony and Robertson's Colony. These adjoined, on opposite sides, the district within which Austin's immigrants had settled. DeWitt and Robertson counties in modern Texas indicate roughly the regions in which the operations of these two empresarios were carried on.[2]

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[1] The text of this statute, in Spanish and English, will be found in *Laws and Decrees of the State of Coahuila and Texas*, 15.

[2] A very excellent and detailed account of the origin and growth of De Witt's Colony, by Dr. Ethel Zivley Rather, will be found in *Tex. Hist. Quar.*, VIII, 95–192.

In the same month of April another contract was entered into with Hayden Edwards, which was destined to lead a few years later to some serious difficulties. It limited Edwards's settlement to a district near Nacogdoches in the extreme eastern part of the state.

In all, eight contracts entered into by the state authorities under the colonization act of 1825, called for the introduction in the aggregate of twenty-nine hundred families; and these contracts were substantially carried out, so far as concerned the number of families. In addition, a number of other families were brought in under *empresas* which were but very partially carried out by the empresarios.[1]

Every contract made with an empresario defined an area within which settlements might be made; and the area so defined far exceeded the amount of land which all the immigrants together could receive. The professed object of the designation of such wide borders in the concessions, was to allow settlers the widest choice; but the result, in some cases, at least, was to delude the unwary into believing that the empresario had title to the whole tract, instead of an option to select limited portions of it for actual, qualified settlers. This delusion was availed of in forming the somewhat notorious Galveston Bay and Texas Land Company of New York, which, in 1830, acquired the contracts made with Lorenzo de Zavala (a Mexican), Joseph Vehlein (a Swiss merchant living in Mexico), and David G. Burnet (a settler from Ohio, living in Texas). The company issued scrip, granting the absolute right to locate land within the limits of the three concessions; and this scrip, though legally worthless, actually found purchasers.[2] Of Zavala and Burnet there will be occasion to speak later on.

The supervision of the authorities over the mode of carrying out the contracts was very lax.

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[1] Wooten, "Spanish and American Titles to Land," in *Comprehensive Hist of Texas*, I, 806. Concessions were granted to about twenty-five foreigner mostly Americans; but many of these proved unsuccessful and resulted in n material accessions to the population. There were some contracts entered int with Mexicans, which were also ineffectual.

[2] See *Ross v. The Governor*, 24 Tex. Rep., 496, for a history of this company

> "In strict conformity to law," says Kennedy, a British historian partial to the settlers, "an applicant for settlement was required to present a certificate from the authorities of the place whence he came, accrediting his 'Christianity,' that is, his profession of the 'Catholic Apostolic Roman' religion, and his morality and steady habits; without the production of such certificate, as also that of the empresarios testifying its genuineness, the (Mexican) commissioner was bound to withhold title. In practice, a law so narrow in itself, and generally at variance with the interests of the empresarios, was unscrupulously evaded. To procure an order of survey, it was sufficient for an applicant to go to a neighboring Alcalde, and obtain, on the testimony of two by-standers, and payment of a dollar and a half, the certificate required."[1]

Under these circumstances, the population naturally increased with great rapidity. There were large numbers of people ready and anxious to settle in Texas, and there were no barriers at the open door. Certainly up to 1829 or 1830 neither the federal nor the state government made any serious effort to find out whether the laws of colonization were observed. Nobody thought of guarding the eastern frontier against unauthorized settlers. Any man who chose could cross the Sabine in the confidence that he would not be asked inconvenient questions. A man was free to make his home upon any of a million unoccupied acres, and many a squatter built his hut and raised corn and chickens, and hogs and children, without any point of law upon his side except the nine points of possession. And, beside the farmers, there were shopkeepers, tavern-keepers, horse-traders, and others who could live by supplying the wants of a simple agricultural community, and who came drifting in without anybody's permission.

This somewhat motley community existed for a time without any regular system of government. The first settlement of Texas had taken place just at the period when national independence was secured and before a constitution had been established by the Mexican nation; and until the national affairs were put upon a permanent basis no attention was paid to the political affairs of Texas. The first step in this direction was the decision of the federal Congress to erect Coahuila and Texas into a state of the confederation, and the next step was the creation of a constituent state legislature, which met on August 13, 1824, before the national Constitution was promulgated, and which for the next three years legislated for the state, and incidentally adopted a prodigiously long state Constitution.[1]

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[1] Kennedy's *Texas*, I, 339.

Under this instrument, which is dated March 11, 1827, the state legislature was to consist of a single house of twelve members, chosen for two years, and to be apportioned from time to time among the several districts of the state. By the first apportionment two members were allotted to Texas and nine to Coahuila.[2] The legislature was required to meet annually. It was given various exclusive powers; among them the power to adopt and *interpret* the laws of the state, to vote money, to impose taxes, and to regulate the militia. The governor was chosen for four years, and was not eligible for successive terms. He was given a limited veto power, the pardoning power, and power to appoint to all state offices not elective, and he was commander-in-chief of the state militia. A council of state, consisting of three members elected by the people, was to advise the governor when called upon to do so, to notify the legislature of infractions of the state or federal Constitution or laws, to examine the public accounts, and to encourage and promote the establishment of all kinds of industry in the state ("*promover el establecimiento y fomento de todos los ramos de prosperidad del estado*").

There was to be a supreme court, with appellate jurisdiction only. Inferior courts then existing were to be continued until the revenues of the state would permit the appointment of judges learned in the law ("*jueces de letras*"). No tribunal was to undertake to interpret the laws or suspend their operation, and doubts as to the meaning of statutes ("*dudas de ley*") were to be reported by the courts to the legislature. Soldiers and ecclesiastics residing in the state were not subject to the civil courts. Controversies involving small amounts were to be settled without appeal by the local executive authorities ("*por providencias gubernativas*"). Other cases were to be first heard by a tribunal of conciliation. In criminal cases the procedure was only regulated so far as to provide that search-warrants should not be issued except in cases prescribed by law. In other respects the practice was left to statutory regulation, with the proviso that one of the first objects of the legislature must be to establish trial by jury in criminal cases, and to extend the system gradually even to civil cases if it proved practicable.

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[1] The complete text, with an English translation, is printed in *Laws and Decrees of Coahuila and Texas*, 313–343.

[2] *Laws and Decrees of Coahuila and Texas*, 47.

There was nothing at all resembling the county governments of most of the American commonwealths. For electoral and administrative purposes the state was divided provisionally by the Constitution into three districts—Béxar, Monclova, and Saltillo, Béxar being defined as embracing the whole of what had been theretofore known as the province of Texas. The legislature, however, was authorized to modify this division. In each of these three districts there was a jefe político appointed directly by the governor, who had power to nominate his own deputies. All the other duties of the office were left to be defined by statute.

Prior to the adoption of the Constitution the law of February 1, 1825, had regulated the government of localities, and the state Constitution merely adopted the agency it found in existence. By the statute just mentioned the jefe político of Béxar was required to watch over public tranquillity; to act in a summary way in imposing punishment for certain minor offences; to arrest any person if the public good required ("*en los casos de exigir el bien público*") and to turn him over within forty-eight hours to a court of competent jurisdiction; to command the local militia; to examine and issue passports; and to take a census.

The control of the towns and villages of the state was continued in the hands of the ayuntamientos, or local councils—a popular institution which had existed in Spain for many centuries, and which had persisted even under the Bourbon Kings. Through the operation of a variety of local causes these councils had developed in different parts of the Peninsula into many varying forms, with some curious mediæval survivals of custom. In some places the councillors were chosen by lot from among a limited number of names; in others the office was hereditary. The names and functions of the other municipal officials also varied in different towns.

In the reign of Charles III attempts had been made to unify this chaotic system, but nothing effectual was accomplished until after the French invasion, when the Cortes passed a law abolishing hereditary tenures, providing for popular elections of members of the ayuntamientos, and fixing the number and grade of all municipal officials according to the population of the several towns;[1] and by a decree of December 14, 1824, the legislature of Coahuila and Texas bodily adopted the provisions of the Spanish statute.[2]

The state Constitution of 1827 provided that there should be ayuntamientos in all villages (*pueblos*) where they had theretofore existed, and that others might from time to time be established by the legislature. In places which were too small to have an ayuntamiento, the people were to elect a *comisario de policía* and a *síndico procurador*, who may be said to correspond, roughly, to a constable and a justice of the peace. All these officials were to be elected for short terms—one and two years.[3]

On April 14, 1827, the legislature, complying with the requirements of the Constitution, passed an act for the speedy election of ayuntamientos in the various towns.[4] The number of men composing the ayuntamiento varied according to the size of the town. For a population between one thousand and twenty-five hundred there were to be four members chosen; namely, one alcalde, two *regidores*, and one *procurador*. These numbers gradually increased to a maximum of three alcaldes, six *regidores* and two *procuradores* for towns of more than ten thousand inhabitants.

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[1] Decree of May 23, 1812, in Dublan y Lozano, I, 380.

[2] *Laws and Decrees*, 11.

[3] Articles 155 to 164, Constitution of Coahuila and Texas.

[4] *Laws and Decrees*, 56–58.

The ayuntamientos, therefore, were, in Texas, very effective instruments for political action and organization, and the people were not long in learning how to make use of the opportunities thus afforded.

It is little better than guesswork to attempt to state the population of Texas at any particular stage of its early history; but it may be said that in 1825 it amounted to seven thousand or seventy-five hundred in all—perhaps about evenly divided between the Mexicans and the American settlers. In 1827 the number of inhabitants, excluding Indians, may be estimated at about ten thousand. By this time the Americans probably outnumbered the Mexicans in the proportion of five to three. The latter were a stationary, the former a rapidly growing element in the population, and had already begun to excite misgivings in the minds of the more far-seeing observers in the city of Mexico.

The British minister, Ward, who was always on friendly terms with the leading men in public life, and particularly with the Conservative party at the capital, took very early occasion to advise his own government of the serious difficulties to which the presence of American settlers was likely to give rise. Less than five months after his arrival in Mexico he addressed the British Foreign Office as follows:

> "On the most moderate computation," he wrote, "six hundred North American families are already established in Texas; their numbers are increasing daily, and though they nominally recognize the authority of the Mexican Government, a very little time will enable them to set at defiance any attempt to enforce it. . . . General Wavell has, I believe, a considerable share [of the land], but he is, I understand, almost the only Englishman who has applied for land in Texas. The rest of the settlers are all American—Backwoodsmen, a bold and hardy race, but likely to prove bad subjects, and most inconvenient neighbors. In the event of a rupture between this country and the United States, their feelings and earlier connections will naturally lead them to side with the latter; and in time of peace their lawless habits, and dislike of all restraints, will, as naturally, induce

> them to take advantage of their position which is admirably adapted for a great smuggling trade, and to resist all attempts to repress it. In short, Mexico, though she may gain in point of numbers, will not, certainly, acquire any real strength, by such an addition to her population. . . . Were but one hundredth part of the attention paid to practical encroachment, which will be bestowed upon anything like a verbal cession, Mexico would have little to fear."[1]

It was hardly fair to speak of the "lawless habits and dislike of all restraints" of these people. They were, in fact, always ready to conform to laws which they had made themselves and which they understood, for that had been their custom and the custom of their fathers for many generations. But there was one thing they would never submit to. They would never submit to the domination of a race they regarded as inferior. They despised Mexicans as they despised negroes and Indians, and they calmly ignored Mexican laws.

They were industrious and brave, and their morality, on the whole, stood high. The political conditions of their existence were already difficult, and were certain to become more and more so, as the disproportion increased between the numbers and wealth of the colonists on the one hand, and of the Mexicans on the other. On the side of the Mexicans was legal authority, backed by the distant and deeply distracted government in the city of Mexico; on the side of the new-comers were industry, frugality, intelligence, courage, and a great preponderance of numbers within the territory itself. A struggle was inevitable.

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[1] Ward to Canning, Sept. 6, 1825, in *Tex. Hist. Quar.*, IX, 140.

CHAPTER VII

MEXICAN POLITICS: 1824-1830

In the preceding pages an account has been given of the condition of the Mexican people—and especially of those who inhabited her northernmost provinces—at the period when they had finally succeeded in releasing themselves from the grasp of Spain and had set up a federal republic. We are now to see what use they made of their newly acquired freedom.

When the first election for President and Vice-President took place the condition of the country was, on the whole, fairly satisfactory, and those who hoped for the success of the republic could not have wished a better opportunity for testing the working of the governmental machinery. Order had been restored in all parts of the country. Relations with the continental powers of Europe—thanks to the friendly offices of the United States and England—were in a hopeful state of adjustment. The credit of the country was good. The proceeds of foreign loans had given the Treasury adequate funds. Trade was increasing. Foreign capital, chiefly English and German, was eagerly seeking to develop the mining industry of the country, and was ready to embark on any enterprise in Mexico which could show a reasonable assurance of profit. All that was needed in order to secure continued prosperity was internal peace and the certainty of protection to life and property.

The Constitution adopted in 1824 had provided that the President and Vice-President should be elected by the votes of the state legislatures. Two names were to be presented by each legislature—the person receiving the most votes to be President, and the person receiving the next highest number to be Vice-President. If there was not a majority of the votes of all the states, the federal Chamber of Deputies was to select the President and Vice-President from among the candidates who stood highest on the list. The term of office was to be four years.

The first election was ordered by the constituent Congress to be held in the early autumn of 1824, before the complete adoption of the Constitution, the persons then elected to take office immediately and to continue in office until the first of April, 1829. Subsequent elections were to be held by the legislatures of the several states on the first day of September preceding the end of each presidential term.

When the results of the election of 1824 became known, it was found that the votes of the seventeen states taking part were divided between three generals of the revolutionary war—Victoria, Bravo, and Guerrero. Victoria received a clear majority of all the states, and was declared elected President; Bravo and Guerrero each having received less than a majority, the Chamber of Deputies duly selected Bravo as Vice-President.[1] On October 10, 1824, the newly elected officers took the oath of office.

The choice of Victoria as President appeared full of promise. "He was one of Plutarch's Romans," said an admirer; and, indeed, he possessed many admirable qualities. He was of a good family in Durango, but had little education.[2] He had joined the revolutionists at an early day, and was one of the few active insurgents who accomplished the feat of living through eleven years of unceasing warfare without ever asking a pardon from the government.

The principal scene of Victoria's exploits was in the neighborhood of Vera Cruz, where, at the head of a small and highly irregular band, he had attacked convoys and intercepted communications with the capital. He could sometimes be persuaded to relate the most surprising tales of his sufferings and adventures, although generally he was modest and far from a fluent talker.[1] In Iturbide's time he was not in favor at court, in spite of his having very effectively used his influence in support of the plan of Iguala; and he was arrested, with Bravo and others, upon charges of conspiring against the Emperor. He was released after a short imprisonment, and when Congress was forcibly dissolved he joined the popular party and rendered useful service in overthrowing the empire. He was a man of integrity, and, indeed, seems to have embodied all the private virtues. But he had his faults. He was ignorant of public business, and was indolent and vacillating in his conduct of affairs at a time when a clearly defined policy and great firmness were, above all, essential.

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[1] Dublan y Lozano, I. 719.

[2] His real name was Felix Fernández, but after some successes in the war of independence he changed his name to commemorate the event and to do honor to the Virgin of Guadalupe.—(Suarez, *Historia de México*, 71; Tornel, *Breve Reseña*, 24.)

Madame Calderon gives an interesting picture of him:

> "General Guadalupe Victoria," she says, "is perhaps the last man in a crowd whom one would fix upon as being the owner of the above high-sounding cognomen. . . . He is an honest, plain, down-looking citizen, lame and tall, somewhat at a loss for conversation, apparently, amiable and good-natured, but certainly neither courtier nor orator; a man of undeniable bravery, capable of supporting almost incredible hardships, humane, and who has always proved himself a sincere lover of what he considered liberty, without ever having been actuated by ambitions or interested motives."[2]

Nicolas Bravo, the Vice-President, was of a very similar type. He also was a white man, a member of an influential family in southern Mexico, who had adhered to the revolutionary party as early as 1811. He was the right-hand man of Morelos so long as that leader was at large. Near the close of the year 1817 he was taken prisoner; but as the revolution was then being rapidly suppressed, and perhaps from some regard for his personal character, the viceroy refrained from having him shot; and he was ultimately released upon the occasion of the marriage of Ferdinand VII to his third wife. He supported Iturbide in 1821, but later was one of his opponents.

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[1] Ward's *Mexico*, I, 170-175. C. M. Bustamante could not induce him to talk on the subject.—(*Cuadro Hist.*, IV, 175.) Alaman says these famous stories were "fables."—(*Historia de Méjico*, IV, 641.)

[2] *Life in Mexico*, 23.

Bravo's reputation rested upon his clemency to prisoners even under the greatest provocation.

> "Many were the instances of humanity," says a Mexican historian, "which this worthy officer displayed during the course of the revolution. Always valiant on the field of battle, his hands were never stained with the blood of a prisoner; and keeping his reputation clean through all the vicissitudes of war, he always lived up to the nobility of his character."[1]

This is high praise. The commanding officers on either side who did not habitually shoot their prisoners were rare indeed.

In spite of the selection of men like Victoria and Bravo for the two highest offices in the gift of the people, and in spite of the favorable circumstances under which the new Constitution came into operation, the path of the republic was still beset by serious dangers and difficulties—some inherent in the situation, and some arising out of circumstances more or less temporary.

The first and perhaps the most fundamental difficulty was the total inexperience of the Mexican people in the difficult art of self-government. They had abandoned autocracy and had substituted a system that was designed, by means of a written constitution, to be so regulated as to secure the rights of minorities and the blessings of freedom—in everything but religion. Such a system, even in the simplest form, would have been hard enough to work by men who had never lived under free institutions; but as a matter of fact not the simplest but the most complicated form of government known to man was adopted, and it is not at all surprising that the division of powers between federal and state governments was so little understood as to give rise to constant attempts by one or the other to usurp authority. The matter was made worse because there was no impartial arbiter like the Supreme Court of the United States to settle disputes, the sole authority in such cases being the federal Congress.[1]

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[1] Alaman, *Historia de Méjico*, III, 261, and see App. 5, same vol.

The existence of militarism in an aggravated form was another source of danger. "In Mexico," says a liberal writer, contrasting the condition of his own country in 1821 with that of the United States in 1783, "*the officers of the army took possession of the revolution and its fruits.* Very few were content with the large pay they enjoyed. Positions as governors of states, commanders of military districts, the first places in the republic, hardly satisfied their ambition."[2]

In addition to the fact that few men occupied high office except through the favor of the army, there was the constant use of federal troops in the daily life of the nation. A military commander resided at the capital of each state, and assumed the right, quite independently of the state government or of the courts, to put down and punish conspiracies and other crimes, especially crimes of violence. Indeed, by an act passed by the constituent Congress itself, wide discretionary powers were given to the President, which it was impossible that he could exercise except by the use of the military arm. He was authorized to banish whatever foreigners he thought fit, to remove any person from one state into another, and to use force against the authorities of any state who should conspire against the federal system of the nation.[3]

The passage of this law not only showed a singular conception of the powers of the executive branch of the government, and of the proper manner of developing a scheme of ordered liberty, but it betrayed a consciousness of serious opposition to the form of government which had just been put into operation. That such opposition did exist was very well known, although it would probably not then have been prudent for those who held the hostile opinions to give public expression to their sentiments.

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[1] Constitution of 1824, Art. 165. A curious instance of state usurpation of powers was the banishment by the state of Vera Cruz of an unpopular but important federal office-holder; an abuse of power, says Tornel, which was imitated many times thereafter.—(*Breve Reseña*, 130.)

[2] Zavala, *Ensayo Histórico*, I, 351.

[3] Act of Dec. 23, 1824; Dublan y Lozano, I, 763. The banishment of citizens of states, however, was to be effected "*por medio de los respectivos gobernadores.*" This measure was vigorously opposed in Congress, but supported upon the ground that extraordinary powers were necessary to enable the President to control the Anti-Federalist party and to check the intrigues of Spanish agents.—(Tornel, *Breve Reseña*, 29.)

In a general way, it may be said that the wealth of the country and the influence that goes with wealth and education were in the hands of men who did not believe in the republican experiment. Among them were the higher orders of the clergy and most of the people who had what used to be called a stake in the country. They believed that their countrymen were unfit to govern themselves, and thought that any idea of a republic was purely visionary. Some hoped for a sovereign of the Bourbon family of Spain, some looked for a constitutional king, caring little whence he came, and some wanted a military despot after the pattern of Buonaparte; but they were all agreed in expecting a speedy end of republicanism. The conditions in many respects resembled those which prevailed in France for some years after 1871, when Legitimists, Orleanists, and Bonapartists, differing about everything else, were united in wishing for the downfall of the republic.

Among the anti-republicans were the large majority of the Spaniards who were still living in Mexico; and the manner in which these men, now become alien enemies, were to be dealt with was one of the most serious problems which the new government had to meet. The plan of Iguala and the treaty of Cordova had both proclaimed, as one of their essential principles, a perfect equality between Spaniards and Mexicans—a pledge which the government of Iturbide had utterly failed to keep. The result had been, of course, to incense the natives of Old Spain against the Mexicans. The former were naturally opposed to a government of Mexico by the Mexicans, for they regarded themselves as belonging to a superior race, and, as a matter of fact, they were generally superior in character, in enterprise and industry. There were still many Spaniards in the country, a large proportion of whom were soldiers who had surrendered after the success of the plan of Iguala, and their mere presence, added to their superior ability and activity, evidently constituted a perpetual source of irritation. Even before the adoption of the Constitution a rather serious military outbreak in the city of Mexico had proclaimed hostility to Spanish residents as a principle which justified revolt; and then and later there were similar outbreaks in different parts of the country.

Another circumstance which gave rise to much anxiety was the growth of organizations that divided the country into bitterly hostile factions. They were not, in reality, political parties, for they were not essentially based upon differences of opinion concerning questions of governmental policy. They were rather accidental agglomerations of individuals, whose hopes of sharing in public plunder constituted the chief bond of union among them. The strength of such societies was properly regarded as a symptom of a deep-seated social disease. They could exist only in an ignorant population, who had no views of their own as to national affairs, and who could be easily led by promises of immediate personal advantage. These two factions happened to be Freemasons of different lodges, but they might just as well have been formed on any other basis.

Very unfortunately, Mr. Poinsett, the American minister, was popularly believed to have been engaged in promoting the success of one of these factions. Such a belief, even if it had been entirely unfounded, must have produced the worst effects, for if the American minister was thought to be busying himself in local politics it seemed to follow that his government was intent on interfering in the domestic concerns of her weaker neighbor. But there was a regrettable amount of truth in the charges against him.

Joel Roberts Poinsett, when he was first received as minister, was not a stranger in Mexico. Three years before, while a member of Congress from South Carolina, he had spent two months in the country, and his *Notes on Mexico*, first published in 1824, was one of the earliest accounts given to the world of the condition of things since Mexican independence.[1] He was a native of South Carolina and had been educated in Connecticut, and later in Great Britain. He had studied the art of war at Woolwich and the art of medicine at Edinburgh. After completing his studies, he had travelled widely in Europe and Asia, and had been favorably looked upon in very high circles.[2]

Soon after the revolt of the Spanish colonies, Poinsett was sent by Madison on an unofficial mission to inquire into the condition of South American affairs, and while in Chile he had joined the insurgent forces, and had taken some part in actual fighting. But notwithstanding his intimate relations with the South American patriots, his confidential reports were not unduly favorable. He told the government, says Adams, "much of the naked truth." [3] He chanced to be in Valparaiso on the day of the memorable fight of the *Essex* against the *Phœbe* and the *Cherub*;[4] and as the British commander refused to let him return to the United States direct by sea, he made the dangerous crossing of the Andes in April, and after a long journey reached home after peace between the United States and Great Britain had been declared. He was soon afterward elected to the legislature of South Carolina, and from 1821 to 1825 was a member of Congress.

He was an eager botanist, and although he lived to hold high office, the beautiful leaves of the *Poinsettia pulcherrima* have chiefly served to preserve his memory in the minds of his fellow-countrymen.

When he was sent, in the summer of 1825, to represent the United States in Mexico, he was forty-six years old. In the Mexican capital he was well received on account of the favorable impression he had made on his first visit, as well as on account of his excellent manners, and his easy command of the Spanish language; and as he entertained freely, he was soon on familiar terms with all those who were most distinguished by reason of social position, wealth, or talents.[5]

[1] He was in the city of Mexico from Oct. 27 to Nov. 11, 1822, during Stephen F. Austin's sojourn, but there seems to be no evidence of their having met

[2] J. Q. Adams, *Memoirs*, II, 56, 59.

[3] *Ibid.*, IV, 388.

[4] March 28, 1814.

[5] Tornel, *Breve Reseña*, 38, 39.

Unfortunately, he considered it a part of his duty to work actively for the overthrow of aristocracy and hereditary privilege and priesthood—a state of mind not uncommon among American democrats of his generation.

Early in Poinsett's career as minister an opportunity was afforded him to put this theory in practice by aiding in the establishment of new Masonic lodges, which were intended to be, and, in fact, were, purely political centres.

The first Masonic lodge in Mexico was established in 1806 by Spaniards. There were at that time four lodges in the Peninsula, which had been founded by Englishmen—two at Gibraltar, one at Cadiz, and one at Madrid—and it may be reasonably assumed that from these the Mexican Masons first derived their existence. It is reported that Hidalgo, who first raised the cry of independence, became a Mason about 1807. At any rate, the existence of this first lodge was short-lived, for it was denounced to the authorities in 1808, and many of the brethren were imprisoned and prosecuted before the tribunals of the Inquisition.

Later on the Spanish troops which landed in Mexico after 1811 brought in their ranks a number of Masons; and still later the Mexican delegates to the Spanish Cortes were initiated in Europe, and on their return founded lodges, which, deriving apparently from French sources, followed the Scottish rite.[1] These lodges were chiefly composed of men who were fairly well-to-do or were of recognized professional or commercial standing, and they thus naturally came to form in a short time a nucleus for those who were not favorable to the idea of a republic.

By 1825, the year of Poinsett's arrival in Mexico as minister, the need of a similar centre for men who professed more liberal and popular ideas appears to have been felt, and naturally suggested the idea of founding rival societies. Poinsett, who was himself a Mason, was either appealed to for help or volunteered his advice. At any rate, he lent himself to the project and helped to obtain charters for lodges practising the York rite, which were to serve as rivals to the existing Scottish lodges.

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[1] Chism, *Contribución á la Historia Masónica de México*, 6-14.

In a long and confidential letter to the President, written nearly two years later as a sort of *apologia pro vitâ suâ,* he explained his motives. He had become convinced, he said, after a few months' observation, that, while the majority of the people were not opposed to "our Republican principles," they were "dispersed and discouraged." Upon bringing together the friends of republican principles, they were easily made sensible of their weakness if they remained disunited, of the imminent danger that threatened the new form of government, and of the urgent necessity of systematic opposition to the plans of those who wished to overthrow it; and they therefore soon agreed to unite and organize themselves by forming a grand lodge of York Masons. The great success, he added, of this movement was popularly attributed to his (Poinsett's) influence, although in reality he had withdrawn himself from the party soon after its organization, and for twelve months before he wrote had not entered their lodges nor attended any of their meetings.[1]

The newly established York lodges rapidly multiplied, and proved immediately successful. They opened their doors much more freely than the older lodges to men of all classes, and soon became a very effective political machine, which controlled the conduct of elections and the distribution of patronage. As the York lodges developed in political effectiveness, their rivals imitated their methods, and the country soon became divided, not into Republicans and anti-Republicans, or into Liberals and Conservatives, but into Yorkinos and Escoceses—Yorkmen and Scotchmen. At the head of the Escoceses was Bravo, the Vice-President. His opponent at the time of the election, General Vicente Guerrero, was the chief of the Yorkinos. The President and the members of his cabinet were also mostly Yorkinos, though Victoria himself professed an impartial attitude.[1]

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[1] Poinsett to Adams, April 26, 1827; *Poinsett MSS.* Adams seems never to have answered this letter or others from the same source; at any rate, there are no replies preserved in the *Poinsett MSS.*, and no reference in Adams's diary to a reply. Adams notes the receipt of a letter from Poinsett, in vindication of his conduct, on Sept. 10, 1827.—(*Memoirs*, VII, 328.)

Poinsett's course was amazingly imprudent, and, in fact, it wrecked his mission. The Escoceses were naturally incensed against him, while the leading Yorkinos were afraid to come to any public understanding with him lest they should be accused of betraying their country. Nor had he been without early warning of the difficult course he had to steer if he was to succeed in acquiring the good-will of those who directed Mexican affairs. From his first arrival in the country he had been made aware of a deep feeling of hostility to the United States which he felt himself unable to counteract:

> "They regarded the United States," he wrote, "with distrust and the most unfounded jealousy—a feeling which, I am sorry to say, still exists, and which, during the present administration, cannot be changed. It is in vain that I represent the disinterested and generous conduct of the United States towards these countries and assure them, that so far from our regarding their prosperity with envy (as they, with unequalled vanity, suppose) we are most desirous that the Mexican States should augment in wealth and in power, that they may become more profitable customers and more efficient allies. The government has been taught to believe that because the United States and Mexico border upon each other, they are destined to be enemies. . . . The most bitter hatred of the United States existed long before my arrival in this country; so much so that two of the Ministers of State had declared in secret sessions of Congress, that Mexico ought to regard the United States as her natural enemies."[2]

The American government had not, of course, authorized Poinsett's excursion into local politics. That was entirely his own conception of the rôle he was to play. But his attention had been officially directed to another subject on which the Mexicans were acutely sensitive, namely, the cession of Texas to the United States.

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[1] See as to the influence of the Masonic lodges, Suares, *Historia de México*, 77–79; Zavala, *Ensayo Hist.*, I, 346; Ward's *Mexico*, II, 408. Zavala, Ramon Arispe, Alpuche, and Esteva were the most active among the public men of Mexico in founding the York lodges, and both Zavala and Alpuche were later concerned in Texan affairs, the former very deeply.—(Tornel, *Breve Reseña*, 43–46.)

[2] Poinsett to Adams, Apr. 26, 1827; *Poinsett MSS.*

Poinsett's instructions from his government had been one of the very first things undertaken by the newly formed alliance between Adams and Clay, and bore the marks of a careful preparation that was inspired by a sense of the great importance of starting fair in the matter of the relations between the two countries. It also bore evidence of the desire of the administration to meet the views of those persons in the South and West who felt aggrieved at the result of the Missouri compromise, and at the relinquishment of the claims to Texas. The Richmond *Enquirer*, in commenting on the compromise bill, early in 1820, before the Florida treaty was finally ratified, had advised the Southern and Western members of Congress to keep their eyes firmly fixed on Texas. "If we are cooped up on the North, we must have elbow room to the West";[1] but no one seems to have asked at that time how the North would regard the acquisition of Texas.

Clay prefaced the instructions to Poinsett by reciting at some length the liberal principles which had governed the policy of the United States in its dealings with the several governments established in Spanish America, and then proceeded to mention the subjects which the new minister was to take up. The first was a treaty of commerce, the second a treaty of boundaries.

As to boundaries, Clay began by the declaration that the Florida treaty, "having been concluded when Mexico composed a part of Spain, is obligatory upon both the United States and Mexico," and he authorized Poinsett to agree to the demarcation forthwith of the line of 1819, unless Mexico should be willing to vary it. If the Mexican government should have no "disinclination to the fixation of a new line," it was proposed that some point between the Brazos and the Rio Grande should be substituted for the Sabine as a starting-point, and that the "Red River and Arkansas and their respective tributary streams" should be wholly included in the United States; thus giving to the United States the whole of the drainage basin of the Mississippi. If this very indefinite change were made, involving apparently a surrender of somewhere between thirty thousand and three hundred thousand square miles, all causes of future collision would be prevented, the capital of Mexico would be nearer the centre of that country, and the United States would stipulate "to restrain, as far as practicable, the Comanches from committing hostilities and depredations." No pecuniary compensation to Mexico was suggested. Any treaty of boundaries, it was said, ought to provide for the surrender of fugitive slaves.[1]

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[1] Tyler's *Letters and Times of the Tylers*, I, 326.

Poinsett presented his credentials on the first of June, 1825, and made an unusually long speech on that occasion. The British minister, writing to the Foreign Office the same day, reported that Poinsett had concluded his remarks by "giving an analysis of the object of his mission, which, he said, was to conclude a treaty of commerce and boundaries, an intimation which appeared by no means so palatable as the preceding part of his speech, if one might judge by the looks of the spectators, who are well aware of the difficulties with which the question of boundaries is likely to be attended."[2] The fact of course was that the over-emphasis and over-confidence with which the government of the United States had repeatedly asserted its claims to Texas had very naturally led Mexican officials to suppose that the American minister was desirous of reopening the old controversy. Nor could they reasonably have been expected, when that delusion was removed from their minds, to agree to surrender any part of their acknowledged national domain to a foreign government. Even absolute monarchs, as the experience of the United States with France and Spain had abundantly shown, were not always easy to deal with; and a government whose existence depended in any degree on popular opinion had never been known to part with territory, except as the result of an unsuccessful war.

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[1] Clay to Poinsett, March 25, 1825; *Amer. St. Papers, For. Rel.*, VI, 578. A similar proposal for the surrender of fugitive slaves from Canada was made to the British government during Mr. J. Q. Adams's administration, but rather peremptorily rejected as "utterly impossible."

[2] Ward to Canning, June 1, 1825, quoted in *Tex. Hist. Quar.*, IX, 139. Poinsett to Clay, June 4, 1825, *State Dept. MSS.*, contains the text of his speech and the President's reply. The room, he says, was "crowded to suffocation with senators, members of Congress and respectable inhabitants of the city."

The first suggestion of the Mexican authorities as to boundaries was therefore purely dilatory. They proposed that a joint exploring expedition, without any definite authority, should examine the country from the Atlantic to the Pacific within certain latitudes; but Clay very positively rejected that idea.[1] They next suggested inserting a clause in the projected treaty of commerce, binding both governments to take up the subject of boundaries as early as possible, each of the governments in the meantime to allow exploring expeditions to make scientific observations within their respective territories.[2] This was agreed to by Poinsett, and added as an additional article to a treaty of commerce which he signed July 10, 1826, after nearly a year of discussion.[3]

The treaty, however, did not receive the assent of the United States Senate except subject to certain modifications which were advised on February 25, 1827, and the whole business was thereupon again thrown open to discussion. Poinsett himself thought it wise not to press the subject of boundaries. He had not failed to notice from the very first the jealous suspicion with which the Mexican government regarded all movements of the Americans toward Texas and New Mexico, and he thought it might be well to accede to the proposal for an exploring expedition which Clay had rejected.

> "It appears to me," Poinsett wrote, "that it will be important to gain time if we wish to extend our Territory beyond the Boundary agreed upon by the Treaty of 1819. Most of the good land from the Colorado to the Sabine has been granted by the State of [Coahuila and] Texas and is rapidly peopling with either grantees or squatters from the United States, a population they will find it difficult to govern and perhaps after a short period they may not be so averse to part with that portion of that Territory as they are at present."[4]

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[1] Clay to Poinsett, Sept. 24, 1825; *Amer. St. Papers, For. Rel.*, VI, 582.

[2] See Protocol of June 19, 1826; *ibid.*, 599.

[3] *Ibid.*, 613.

[4] Poinsett to Clay, July 25, 1825; *State Dept. MSS.*

Clay at first acceded to this notion, but after eighteen months' reflection instructed Poinsett that he might offer a million dollars for a change of the boundary line from the Sabine to the Rio Grande.[1] Poinsett, however, thought the offer much too small, and, it seems, never submitted it.[2]

Notwithstanding the rather cautious and tentative way in which the United States government had made its proposals for the acquisition of Texas, the most extraordinary rumors were current in the city of Mexico as to the American purposes and proposals. One story, that the United States had offered to advance a sum of money, said to be $12,000,000, to be secured by the pledge of Texas, was repeated in 1829 by Ward, the British minister in Mexico, and commented on by him as follows:

> "It is now seven years," he said, "since the design of appropriating to themselves that fertile province, and thus extending their frontier to the Rio Bravo del Norte, was first attributed to the United States; nor have the Escoceses hesitated, since Mr. Poinsett's arrival in Mexico, to ascribe to an ardent wish on his part to secure this prize, the share which he has taken, or is thought to have taken, in the intestine divisions of the Republic. . . . We are not informed what security the United States propose for the restoration of the territory, in the event of the money being repaid; but when we reflect upon the perseverance and assiduity with which, since the acquisition of the Floridas, their establishments have been pushed in a Southwesterly direction, roads having been traced and canals opened, in such a manner as to admit of their being prolonged at once, should an extension of territory render it advisable,—those least disposed to question the good faith of nations, will find reason to suspect that possession, if once obtained, will not easily be relinquished."[3]

The tale of a proposed mortgage on Texas was not more preposterous than that of canals pushed west and south to the Mexican frontier; but it is not surprising that if the gossip of Mexico had run upon a loan of $12,000,000 on the property, the beggarly million, which was all that Adams offered for a purchase, should have been thought too little.

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[1] Clay to Poinsett, Mar. 15, 1827; *State Dept. MSS.* He had at first proposed to offer some ships of war besides; but Adams thought it best to offer nothing but the money.—(*Memoirs*, VII, 240.)

[2] Poinsett to Clay, May 10, 1827; *State Dept. MSS.* And see Colton's *Clay*, III, 26.

[3] Ward's *Mexico*, II, 556.

At any rate, Poinsett made no progress whatever in inducing the Mexican government to consider modifying the boundary line as fixed by the Florida treaty. The United States government explicitly declared that it regarded that treaty as binding both on itself and Mexico, as was indeed perfectly apparent;[1] but still public opinion was so morbidly sensitive on this point that when the treaty of commerce was under discussion in the Mexican Congress, in 1827, the Chamber of Deputies adopted a resolution in the following terms:

> "This Chamber will not take into consideration the treaty which the Government has concluded with that of the United States of America, until an article shall be inserted in it recognizing the validity of that which was entered into by the cabinet of Madrid, in the year 1819, with the Government of Washington, respecting the limits of the territories of the two contracting parties." [2]

The Mexican plenipotentiaries, therefore, when Poinsett took up again the discussion of the treaty of commerce, told him that before advancing a step further the boundary line of 1819 must be explicitly confirmed. There was obviously no objection to this, but Poinsett suggested it would be better to make a separate agreement on the subject; to which proposal the Mexican plenipotentiaries consented.[3] Four days later, on January 12, 1828, a treaty was signed which declared that the boundaries between the two countries were the same as agreed upon by the treaty with Spain of February 22, 1819, and that the United States and Mexico would at once proceed to carry into full effect the provisions for surveying and marking the line.[4]

Ratifications of this treaty were to be exchanged in Washington within four months, and the papers were duly submitted to the United States Senate on April 21, 1828, or three weeks before the end of the period. The treaty was approved by that body on April 28. Mexico, however, was dilatory. The treaty received the necessary approval of the Mexican Congress, but the ratification was not despatched from Mexico until May 10, just two days before the time expired for its delivery in Washington.[1] It was not until August 2, 1828, that the Mexican minister notified the State Department of his readiness to proceed to an exchange of ratifications; but as the time limited by the treaty had expired nearly three months before, the President of the United States had lost his authority to act until further action by the Senate, and when Congress again met, in December, the business of the treaty of commerce with Mexico was still unfinished and Adams had been defeated for re-election. Under these circumstances he did not choose to resubmit the boundary treaty to the Senate, and he went out of office in March, 1829, leaving the whole subject just where it was on the day of his inauguration.[2]

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[1] *Amer. St. Papers, For. Rel.*, VI, 580.

[2] H. R. Doc. 42, 25 Cong., 1 sess., 26.

[3] Poinsett thought that the proposal for a confirmation of the treaty of 1819 was intended to entrap him, and that the Mexican authorities were surprised and disappointed when he made no objection.—(*Ibid.*, 26–29.)

[4] See text in English and Spanish in *Amer. St. Papers, For. Rel.*, VI, 946.

Political conditions in Mexico were meantime growing worse from day to day, and divisions were becoming more complicated. In addition to the Escoceses and Yorkinos, there came into existence a third faction which may be called the Pedraza party. Don Manuel Gómez Pedraza, President Victoria's Secretary of War, the creator and leader of the new faction, was a native Mexican of Spanish descent, and like Iturbide and many other Mexican politicians had been an officer in the Spanish army. He was as active and energetic as Victoria was the reverse. Originally a member of a Scottish lodge, he joined the Yorkinos when they came into existence; and he then set to work to build up a personal machine of his own.

His official policy was one of conciliation. Three or four small risings took place in various parts of the country, but no vigorous attempt was made by the government to suppress them, Pedraza asserting that to do so would awaken a general civil war. These isolated attempts soon broke down from their own weakness, but they were obviously the precursors of more serious revolts with which the government might find it extremely difficult to deal, for the very simple reason that it was always in the army itself that these disturbances began.

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[1] H. R. Doc. 351, 25 Cong., 2 sess., 202.

[2] The ratifications were finally exchanged April 5, 1832. See H. R. Doc. 42, 25 Cong., 1 sess., 46-50, as to causes for delay.

> "Some generals and many officers," said Pedraza, "obeyed the factions rather than the President. The right of petition was confused with insurrection, and whoever had influence anywhere took up arms to demand whatever the clubs in the capital decided on." [1]

The basis of most of these *pronunciamientos* was the demand that all Spaniards should be expelled from Mexico, a demand that now found a certain added support in the fact that Spain, feebly and ineffectually, but with some noisy ostentation, was preparing a military and naval expedition against Mexico. The state legislatures took up the popular cry and one after another passed laws expelling the Spaniards—laws which the federal Congress was at first disposed to declare unconstitutional. But the public demands, especially when made by bodies of armed men, were much too insistent to be disregarded. On December 20, 1827, a federal law was adopted by which a partial measure of expulsion was put in force.[2]

Three days later a new and more serious disturbance broke out at the village of Otumba. The real leader of this revolt was no less a personage than the leader of the Escoceses, the Vice-President of the republic, General Don Nicolas Bravo.[3] The sole object sought to be attained was to put the Escoceses in power; but the nominal demands were concisely stated as follows: 1. The passage of a law by Congress prohibiting secret societies. 2. Dismissal of all the ministers, "placing in each department men of acknowledged probity, virtue, and merit." 3. Expulsion of Mr. Poinsett.[1] 4. Strict observance of the Constitution.[2]

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[1] "*El derecho de petición fué confundido con los levantamientos, y cualquiera que tenia influencia en algun territorio, tomaba las armas para demandar lo que disponian los clubs de la capital.*"—(Pedrasa's Manifesto, quoted by Suarez, *Historia de México*, 83.)

[2] Dublan y Losano, II, 47.

[3] Bravo justified his course by saying that the government itself had opened the way, since in the events which had preceded and accompanied the decree of expulsion of the Spaniards it had unequivocally authorised the right of "armed petition"—"*autorisó de un modo inequívoco el derecho de petición armada.*"—(Suarez, *Historia de México*, 89, *note* 2.)

This time the Yorkinos found that they were able to count upon an adequate military force, and Pedraza set upon Bravo with such vigor that within a fortnight he and most of his followers were safely in jail. There were also isolated mutinies of garrisons in the states of Vera Cruz and San Luis Potosí, but these were easily put down. In a month the whole affair was at an end, the prisoners were tried and, instead of being shot, were banished. This very unusual conclusion of the revolt was due to Pedraza, who thought it "good politics" to exert clemency toward the defeated Escoceses, a course of conduct which resulted in bringing down on him the hatred of the more violent of the Yorkinos.

The election of 1828 for President was now rapidly approaching, and Pedraza's efforts were all directed toward getting himself chosen. The Escoceses were powerless since their leaders had been banished, and were glad to join in a coalition which Pedraza managed to form between them and the more moderate Yorkinos; and in aid of this combination the whole government patronage was freely and very openly used.

The regular Yorkino candidate and the leader of the faction was General Guerrero, a half-breed Indian, who had been a defeated candidate in 1824. He was the son of poor parents, and was wholly without education. When about eighteen years old, at the time when the standard of independence was first raised, he had joined the insurgents, and, like Victoria, he never was made a prisoner and never asked a pardon. Even in the darkest days of the long revolutionary struggle he was the leader of a little unconquered body of men who kept alive the cause of independence in Southern Mexico, and his personal bravery and enthusiasm were unquestioned. He believed firmly in the equality of all men, especially of Indians and white men, and he hated kings and priests, but he had none of the qualifications needed to administer the simplest public affairs.[1]

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[1] The demand for Poinsett's expulsion was no new thing. The legislatures of several of the states had passed resolutions more than six months before calling on the government to expel him. Victoria, as usual, was undecided and ineffectual, although Poinsett in a personal interview insisted that he ought to take a definite position.—(Poinsett to Adams, June 8, 1827; same to same, July 18, 1827; Zavala to Poinsett, June 16, 1827—all in *Poinsett MSS.*)

[2] The full text is given in Suarez, 90. See English translation in Ward's *Mexico*, II, 565; as also the President's proclamation on that occasion and Bravo's Manifesto, *ibid.*, 571, 574.

Before Iturbide openly mutinied he had thought it wise to secure Guerrero's support. Guerrero, however, was one of the first to revolt against the Emperor, and was severely wounded in the short struggle against the imperial forces. He was, as already stated, grand master of the Yorkino lodges, and as a hero with an organization at his back, possessed every qualification necessary to make him the figure-head of the party. The capacity to steer the ship must needs be found elsewhere.

The contrast between the two presidential candidates was striking. Guerrero was an ignorant half-breed, who had risen to eminence solely because he had been a noted insurgent leader all through the obscure fighting of the war of independence. Pedraza was in every respect his opposite. He was an educated white man, an old servant of the crown of Spain, a steady opponent of the revolution, and possessed of every advantage of ability and training; and he entirely dominated Victoria's cabinet.

No method of persuasion or intimidation which the government could employ to advance his candidacy seems to have been omitted. But a certain inexperience in the art of controlling elections seems to have allowed the working of the machinery to be too plainly seen, and a large part of the ruling classes became persuaded that if Guerrero were beaten it could only be through unfair means. In the result Pedraza was elected. Of the nineteen states then existing, ten voted for him, eight for Guerrero, and in one (Durango) the legislature did not vote.

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[1] Alaman, who was an enemy of Guerrero, says of him: "*Nunca se le habia empleado ni en la regencia ni en el consejo de estado, pues aunque tenia bastante penetración y buen sentido natural, su falta de instrucción era tan absoluta, que apénas sabia firmar su nombre.*"—(*Historia de Méjico*, V, 706.)

The moment the result was known a military mutiny broke out. A small body of troops stationed at Jalapa proclaimed themselves a "liberating army," and under the lead of General Santa Anna, a young officer who had already had a stormy career, marched on Perote and took possession of that fortress. On September 16, 1828, they issued a pronunciamiento, in which they declared that Pedraza was a secret enemy of his country, and that in voting for him the state legislatures had disregarded the general wish of the people. "The name of the hero of the South," said the proclamation, "is repeated with unspeakable enthusiasm. His valor and constancy combined, have engraved upon the hearts of the Mexicans the image of their felicity. They wish to confide to him the delicate and sacred deposit of the Executive Power."

Protesting their unalterable devotion to the Constitution which they were openly violating, the mutineers set forth the following plan: 1. "The People and the army" were to annul the election of Pedraza. 2. A law for the expulsion of Spaniards was to be passed. 3. Guerrero was to be declared President. 4. The legislatures who had voted against Pedraza must immediately proceed to a new election, "in conformity with the wish of their constituents."[1]

At first it seemed that the government would have little difficulty in suppressing this mutiny. Congress on September 17, 1828, declared Santa Anna an outlaw,[2] and a competent body of troops was sent to capture him. He extricated himself, however, from the indefensible position of Perote, and, marching south, shut himself up in Guerrero's country of Oaxaca, and ceased to be a factor in the situation.[3]

While Santa Anna was thus isolated, Guerrero's friends, who seem to have used Santa Anna as a cat's-paw, took advantage of the reduction of the garrison in the city of Mexico to organize a revolt of their own. On the night of November 30, 1828, they seized the Acordada prison, and after three or four days of vicious street fighting completely defeated the government troops. The members of the cabinet fled, and the supporters of Guerrero amused themselves by looting the shops in the Parian, on the pretence that the proprietors were all Spaniards.[1]

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[1] Suares, 109. An English translation is given in Ward's *Mexico*, II, 582.

[2] Dublan y Losano, II, 79.

[3] Suares, 112-126, 131.

President Victoria, incapable to the last, surrendered to the insurgents, and was thenceforward a puppet in their hands. Guerrero was made Minister of War, *vice* Pedraza resigned, and the other places were filled by Yorkino nominees. Pedraza, impelled, as his friends asserted, by a patriotic desire to prevent a civil war, and also doubtless by well-founded fears for his life, renounced all claims to the Presidency and went to England. Everywhere the military commanders pronounced in favor of the expulsion of the Spaniards and the election of Guerrero. And finally Congress ratified the accomplished fact by a declaration that Guerrero had been duly elected President and Anastasio Bustamante Vice-President of the republic.

The immediate effect of this successful revolution, the third in less than eight years, was to put the offices completely in the hands of the Yorkinos. A more remote effect was to create a difficult diplomatic situation by reason of the claims of numerous foreigners for damages caused by the destruction of their property, especially in the shops of the Parian.[2] And the reports of mob rule in the streets of the capital were enough to discourage foreigners from coming into the country upon any terms.

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[1] The Parian was a part of the great public square in which a number of small ugly shops had been allowed to be constructed. It was entirely removed by the public authorities in 1842 or 1843. See map in Bullock's *Mexico*. Guerrero was accused of having publicly encouraged the looting. "*Hijos! Para Ustedes es el Parian!*" (Boys, the Parian is yours!) he is reported to have shouted to the crowd from a window in the Acordada.—(Ward's *Mexico*, II, 610.)

[2] The loss of property was estimated at as high a figure as $2,000,000, and more than twenty years after the event the Mexican Congress voted an indemnity.—(Rivera, *Historia de Jalapa*, II, 508.)

But the most important and far-reaching result was the establishment of the fatal precedent that a party, defeated at an ordinary election, might always appeal to the army in order to reverse the decision of the electors rendered in due legal form. Both of the two previous successful revolutions had been based upon a proposed change in the form of government. The plan of Iguala looked to the establishment of an independent empire. The revolution which overthrew Iturbide, was intended to substitute a republic for the empire. The revolt of the Acordada on the contrary, was conducted by men who professed the most zealous attachment to the existing institutions of the country, and who opposed Pedraza simply because they personally disliked him and asserted that most people agreed with them. Of course their real reason, it might almost be said their professed reason, was because their particular faction could not expect from Pedraza any of the patronage or other opportunities which the party in power had to distribute. The villainy thus taught their opponents, the latter were certain sooner or later to execute, and even to better the instruction.

Meanwhile, the winter passed by peaceably; Santa Anna's outlawry was reversed and complete amnesty was voted to all who had "pronounced";[1] and on Wednesday, the first day of April, 1829, General Guerrero was inaugurated as President. Four weeks earlier General Andrew Jackson had been inaugurated at Washington as President of the United States.

Guerrero, who had taken the sword, soon perished with the sword, but his fall was delayed by a piece of undeserved good luck. The long threatened Spanish invasion was at last attempted, but with forces so utterly inadequate as to insure an easy victory to Mexico and temporary glory to the administration of the day.

The whole conduct of the invading expedition was as stupid and ill-considered a piece of business as anything that the government of Ferdinand VII ever attempted.

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[1] Dublan y Lozano, II, 97.

Something like thirty-five hundred European troops sailed from Havana on the first of July, 1829, at the worst season of the year, to conquer a population of seven millions. The commanders of the naval vessels that convoyed the transports did not feel strong enough to attempt an attack on the fortifications of Vera Cruz, and after the Spanish troops had been put ashore on the beach near Tampico, in the middle of the rainy season, the ships returned to Havana.

Spain having thus deliberately abandoned control of the sea, it was easy for the Mexicans to bring up men both by sea and land; and after a certain amount of skirmishing in which the invaders were generally successful, the wretched remnant of the Spanish forces surrendered to General Santa Anna on September 11, 1829. Fever had been far more formidable than the Mexican arms. Nearly half of the Spanish expedition perished.[1]

In despatching so inadequate a force to Mexico, the government of Ferdinand VII was acting under the delusion that a majority of the Mexican people were tired of the republic, and were desirous of renewing their allegiance to Spain. It was believed that a small military force, landing on Mexican soil, would serve as a nucleus around which would gather all those who were hostile to the existing state of things, and that a march to the capital would prove an easy triumph. There was, however, an abundance of recent historical examples to demonstrate the folly of sending an insufficient invading force into an enemy's country, depending upon the hope of a local rising to help it out.[2] The preposterous failure of the long-heralded Spanish expedition not only served to emphasize this military maxim, but it showed the world how groundless was the belief that the Mexican people generally desired to return to their former condition of colonial dependence.

The popular hero of the occasion was, of course, Santa Anna, who had exhibited great promptitude and efficiency in collecting and transporting his little army, without help from the federal government. The authorities in the city of Mexico, on the other hand, had failed to rise to the height of their opportunities, or perhaps it would be more accurate to say, had made the poorest possible use of them, although the Mexican Congress had seen fit to put the most extraordinary powers into the President's hands. By an act passed August 25, 1829, he had been authorized to adopt whatever measures might be necessary to preserve independence and public tranquillity.[1] These powers, which were conferred without any express warrant in the Constitution, were to cease upon the reassembling of Congress.

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[1] General Mier y Terán, who was left by Santa Anna in charge of the prisoners, reported that only 1,792 men had been sent back to Cuba.—(Suarez, 160.)

[2] See Mahan's *Influence of Sea Power upon the French Revolution*, I, 97, 119.

The clique surrounding Guerrero evidently concluded that the possession of this little brief authority was something to be utilized without delay, and they accordingly proceeded to promulgate in his name a series of edicts which may not have made the angels weep, but which certainly made the Mexicans extremely angry. Their remarkable legislation had, for the most part, no relation whatever to the contest with Spain. On the contrary, the greater part of it was directed toward ameliorating the condition of mankind in general. Gambling-houses were regulated, and so was the coinage of copper and the method of filling vacant bishoprics. A complete system of statistics was to be created. The death penalty was suspended. Slavery was abolished. A sinking fund was established, as well as a national soldiers' home (*Casa Nacional de Inválidos*). The mining laws, the diplomatic service, the mint, the pawn shops, and the government of the Federal District were all attended to. But what chiefly exasperated public opinion, were two decrees providing that any one who calumniously attacked the executive of the nation or of any state, might be proceeded against under administrative process, or, in other words, might be punished without a trial.[2]

In the middle of November, 1829, the garrisons in Yucatan began a revolution, and a few days later Bustamante, the Vice-President, who had been put in command of a reserve army numbering three thousand men, with headquarters at Jalapa, followed suit. His proclamation announced that he and the army under his command were resolved to destroy the national government in order to preserve the Constitution and the laws, and that those officials who had failed to conform to public opinion would be dismissed and their places filled by the conquering patriots (*patriotas vencedores*). Nothing could be more frank. Bustamante and his friends wanted the offices, and announced that they meant to take them.

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[1] "*Se autorisa al ejecutivo de la Federación para adoptar cuantas medidas sean necesarias á la conservación de la independencia, del sistema actual de gobierno y de la tranquilidad pública.*"—(Dublan y Losano, II, 151.)

[2] Decrees of Sept. 4 and 11, 1829; Dublan y Losano, II, 156, 160.

Within three weeks, the administration was overthrown and Guerrero himself was a fugitive. Bustamante naturally succeeded to the *de-facto* position of President and early in February, 1830, he procured the passage of an act of Congress which formally deposed Guerrero upon the ground of incapacity ("*imposibilidad para gobernar la República*").[1]

Anastasio Bustamante, who was thenceforward for several years a conspicuous figure in the rapidly shifting scenes of the Mexican drama, was in his fiftieth year. He was a white man, well educated, and had served in the Spanish army until Iturbide's mutiny. Originally he had studied medicine and had begun to practise that profession; but at the first symptoms of the approaching struggle for independence, he had entered the royal army. By 1821 he had risen to the rank of colonel. Iturbide promoted and decorated him, and Victoria made him a major-general. In the spring of 1826, he had been placed in command of the forces on the northeastern frontier, which included Texas, and had managed to keep the peace with the Indians, and with the very few Texan colonists who were then in the country. He was, on the whole, a weak man, but he managed to secure the respect and support of abler and stronger men.

When he first became President[2] he surrounded himself with an energetic cabinet, and his administration was not unsuccessful. The financial and industrial condition of the country was improved, and order was preserved with a stern and bloody hand. His object may best be described as the establishment of a military despotism. The opponents of his administration were imprisoned, banished, or shot. The press was effectually muzzled. The army in general was well paid and its officers encouraged. The church also was not neglected. And if there had only been offices enough to satisfy everybody, there was no reason why Bustamante's administration should not have continued indefinitely.

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[1] *Ibid.*, 223.

[2] He did not assume the title. He was always officially designated as *El Excelentísimo Señor Vice-Presidente*.

CHAPTER VIII

MEXICO RESOLVES TO TAKE ORDER WITH THE TEXANS

DURING these weary years of discord in Mexico Texas had been rapidly growing and prospering. By 1830 her population was about twenty thousand, having doubled, it would seem, in the short space of three or four years.

In general character the people who were settling Texas did not materially differ from the early population of any of the states of the Mississippi valley. They were, as we have seen, mostly native Americans from all the states of the Union, although Kentucky and Tennessee led the rest. There were also a considerable number of colonists from Ireland and Germany, but, as in the United States, they soon fused with the native stock.[1] There were only a few Englishmen, and they were generally much less adaptable, and frequently proved to be very ill suited to the rough pioneer life.[2]

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[1] There were two concessions to Irish empresarios; one to James Powers, the other to McMullen and McGloin, for settling four hundred families in southwestern Texas. The name of San Patricio county recalls the locality of these grants. The Mexican authorities complained that these colonists did not come from Ireland, but from New Orleans and New York. The German colonists were more scattered, but were almost all settled east of the Colorado River. A full account of them will be found in a monograph by Doctor Gilbert G. Benjamin, in *German-American Annals, N. S.*, VI, 315–340. The causes of their immigration seem to have been the same that brought other Germans to the United States—namely, the economic conditions at home resulting from the Napoleonic wars and the political oppression which preceded and followed the outbreaks of 1830. The ideas of resistance to tyranny and of a struggle for religious freedom appealed to these people, and they were strong supporters of Texan autonomy. See also, for an account of some German immigrants, *Tex. Hist. Quar.*, II, 228.

[2] A humorous reminiscence of some English settlers—London tradesmen—will be found in *Tex. Hist. Quar.*, IV, 121 *et seq.* In later years the British chargé d'affaires wrote of the "helplessness of our own poor English people" who came as immigrants to Texas.—(Elliot to Aberdeen, Mar. 26, 1843; *S. W. Hist. Quar.*, XVI, 203.)

For those who came by sea the point of departure was generally New Orleans, although occasional vessels bringing immigrants arrived from Atlantic ports.[1] The trade was chiefly carried on by small coasting schooners, often ill-found and commanded by men who had no deep-sea experience. The low coast was surrounded by unmarked dangers, and shipwrecks were frequent.[2]

The immigrants who came by land could either travel from Natchitoches, in Louisiana, crossing the Sabine generally at Gaines's Ferry, or could come through southwestern Arkansas. In either case they passed through long stretches of country where there were no houses and where they must make camp every night. Until after 1822 no road existed which a wheeled vehicle could follow,[3] but as early as 1824 a family travelled all the way from Illinois to Austin's colony "in a large wagon with six mules."[4] In 1831 Mrs. Perry, a sister of Stephen F. Austin, with her husband, children, and negroes, travelled from Missouri to San Felipe, "using two-horse wagons and a carriage, and young Guy [her son] rode a mule the whole distance."[5]

Year in and year out, and for many years, the toiling procession of pioneers followed the rough track through the wilderness. A later traveller has left a vivid picture of the dull emigrant trains jolting slowly along, the jaded cattle, the lean dogs, the dispirited negroes, the tired children—black and white—peering out of the backs of the wagons, "the white mother and babies, and the tall, frequently ill-humored master, on horseback or walking ahead with his gun, urging up the black driver and his oxen. As a scout ahead is a brother, or an intelligent slave, with the best gun, on the lookout for a deer or a turkey."[6]

When this description was written the richer farmers—men with many slaves, and horses, and cattle—were coming into Texas. But in 1830, and for several years afterward, the slave population was relatively small. Many colonists had no slaves. One man was reputed to have nearly a hundred, but most people who owned slaves at all had from two or three to fifteen or twenty. There were in 1830 perhaps a thousand slaves out of a total population of twenty thousand, and the proportion continued small even as late as 1843.[1]

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[1] A graphic account of the difficulties attending the landing of a party of immigrants from New York will be found in Kennedy, II, 30–57.

[2] Dewees, *Letters from Texas*, 30; Baker, *Texas Scrap-Book*, 69; *Tex. Hist. Quar.*, I, 297; II, 227; III, 14–22; IV, 85; VI, 47, 236; XIII, 50.

[3] Dewees, 24; *Tex. Hist. Quar.*, V, 12.

[4] *Tex. Hist. Quar.*, IV, 93.

[5] *Ibid.*, V, 121.

[6] Olmsted, *Journey through Texas*, 55–57.

The Mexican law of July 13, 1824, as already stated, prohibited the slave trade. The Constitution of the state of Coahuila and Texas, adopted March 11, 1827, provided that no one in that state should thereafter be born a slave, and that the introduction of slaves, under any pretext, should be prohibited after a period of six months.[2] This was followed by a state statute, passed September 15, 1827, requiring each municipality to make a list of all slaves within its borders, and to keep a register of births and deaths.[3] But the laws against importation of slaves was easily evaded by bringing in negroes as indentured servants, who were in form indebted to their masters for a sum equal to their value, which they agreed to pay for out of their earnings. In other words, they were nominally held under a system of peonage, legalized by a state statute of May 5, 1828.[4]

In 1829 Guerrero, acting under the extraordinary powers conferred upon him at the time of the Spanish invasion, had issued a decree abolishing slavery throughout the whole of the republic of Mexico. As the rest of the country had no slaves, the news of this decree was received with great equanimity; but it naturally produced a considerable degree of excitement in Texas, especially as compensation was, by its terms, only promised to the owners of slaves on that uncertain day when the condition of the national Treasury would permit payment.[1]

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[1] Bugbee, "Slavery in Early Texas," *Pol. Sci. Quar.*, XIII, 664. The largest slave-owner in Texas was Jared E. Groce, who came from Tennessee in 1822. He was the first man to plant cotton for market and to erect a cotton-gin in Texas. His only daughter married William H. Wharton, a conspicuous figure later on in Texan affairs.

[2] Const., Art. 13, *Laws and Decrees of Coahuila and Texas*, 314.

[3] *Ibid.*, 78; and see amendatory act of Nov. 24, 1827, *ibid.*, 92.

[4] *Ibid.*, 103. *Pol. Sci. Quar.*, XIII, 409–412. There were also occasional illegal importations of slaves from Cuba. See *Life and Adventures of Monroe Edwards.*

The situation was critical, and an effort to enforce the decree might have led to serious disturbances, or at any rate so Austin thought. Acting upon his advice, Don Ramón Músquiz, the jefe político of Béxar, declined to publish the decree until the matter could be again laid before the chief executive, and he also addressed remonstrances to the governor of the state and the officer in command of the federal troops. The governor forwarded the Texan remonstrance to the President with a long letter of his own. All of these documents, doubtless inspired by Austin, argued the question on economic grounds, the impossibility of obtaining sufficient labor or of growing cotton except with help of negroes, and also laid some stress on the vested rights of property in slaves, which, it was asserted, the Mexican government had guaranteed to the settlers whom it had invited into the country. The governor added that enforcement of the decree might possibly "draw upon the state some commotions," although he did not wish it to be inferred

> "that these settlers are of a turbulent and insubordinate character, for up to this time I have received nothing but proof to the contrary —but would refer to the condition of man, and the inclinations of which he is capable when, from one day to another, he is about to be ruined."

In compliance with the opinions thus expressed by the local officials, the President on December 2, 1829, notified the governor of Texas that he had been "pleased to accede to the solicitation of your Excellency, and to declare the department of Texas excepted from the general disposition comprehended in said decree."[1]

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[1] Decree of Sept. 15, 1829, Dublan y Lozano, II, 163. The text of the decree was as follows: "1. *Queda abolida la esclavitud en la República.* 2. *Son por consiguiente libres los que hasta hoy se habian considerado como esclavos.* 3. *Cuando las circunstancias del erario lo permitan, se indemnizará á los propietarios de esclavos, en los términos que dispusieren las leyes.*" In 1826 Tornel, then a deputy, had proposed a measure abolishing slavery, but for two years the Senate failed to act upon it. When Guerrero was vested with extraordinary powers Tornel availed himself of the opportunity to draw up the foregoing decree and present it to Guerrero for signature.—(Tornel, *Breve Reseña*, 85.)

Slavery, therefore, existed in Texas from this time forward *de jure* as well as *de facto*, subject to the laws against the importation of slaves and the constitutional provision affecting persons born in the state. But it must not be forgotten that the early settlers were almost, without an exception, very poor people, working with their own hands to provide the elementary necessities of life; and if a man owned two or three slaves he worked by their side in the fields. The day of great plantations, of overseers, and of non-resident owners had not arrived, if, indeed, it ever dawned in Texas. Slavery there presented a very different aspect from that which it presented in states like South Carolina or Georgia, where hundreds of slaves under a single master created quite exceptional social and economic conditions. In the early days in Texas the number of slaves was too small to produce any such results, and conditions were never radically different from those of the frontier communities in the free states of the American Union. There was the same sort of mixed population, with the native American largely predominating; there was a certain number of men who had left their homes for reasons which would not bear investigation; and there were a great many more who had emigrated from a sanguine hope of bettering their condition.

Life in all these new communities was reduced almost to its ultimate elements, for each family was compelled to build its own house, to make its own clothes, and to find its own food. One old settler has described the log-house he lived in as a boy. It contained at first, he says, one room, "but that room was either very large or stood cramming remarkably well," for it held nine persons besides the cook. "I don't know," he adds, "where she slept, but certainly not in the kitchen, for that family convenience was just outside the door without other protection than a few brush overhead." But, if the kitchen was primitive, the larder was well supplied. "Ducks and geese and swan almost literally covered the waters. The deer came in sight of the house in droves, and fish at the bayshore in variety and abundance. Cattle were plenty and cheap."[1]

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[1] The correspondence is given at length in *Pol. Sci. Quar.*, XIII, 649-659.

Flour was harder to get than meat. For almost a year Austin's early settlers had none. There was neither a hoe nor a plough in the colony, and corn was planted with a stick. And even as late as 1834 people at times had to do without bread.[2]

Those who were of an age to work had little opportunity for amusement, but there were occasional diversions of a rather primitive kind. One early settler writes:

> "We frequently make up parties of men, women, and children, and start out on a hunting or fishing expedition, and are gone for several days. These excursions are very pleasant."[3]

Another and more trustworthy author, discoursing of the "hardihood and courage" of the gentle sex, developed under the conditions of life in a wild country, says:

> "It is not uncommon for ladies to mount their mustangs and hunt with their husbands, and with them to camp out for days on their excursions to the sea shore for fish and oysters. All visiting is done on horseback, and they will go fifty miles to a ball with their silk dresses, made perhaps in Philadelphia or New Orleans, in their saddle-bags."[4]

The "balls" must have been very modest entertainments, but dancing seems to have been a frequent source of pleasure. Whenever the neighbors volunteered to help in a heavy piece of work the gathering often ended in a dance. A cheerful account of such an event has been preserved in the reminiscences of a lady who came as a child to Texas in 1833. It was necessary to take off the roof of her father's house and repair it. All the neighboring men and boys were to help.

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[1] *Tex. Hist. Quar.*, VI, 115.

[2] *Ibid.*, V, 14; IV, 96.

[3] Dewees, *Letters from Texas*, 137.

[4] Mrs. Holley, *Texas*, 145.

> "The young men said if mother would let them dance they would put the new roof on and clear the yard in one day. Mother consented, and all the men came except Mr. M——. He would not have anything to do with his neighbors. . . . The boys went down to Mr. Shipman's settlement and fetched four young ladies. They with Mrs. Roark's four young daughters, were enough for dancing. Mr. Adam Stafford had sent a negro woman the day before to do the cooking. Before it was dark the dancing began. The girls and young ladies all had new dresses and shoes. I suppose I was the happiest child in the world that night."[1]

Hospitality and neighborly kindness were naturally the favorite virtues in such a society. The man who "would not have anything to do with his neighbors" was at the bottom of the social scale. One who, on the contrary, was thought really worthy of admiration, was thus described:

> "Mr. Brinson was a very social, hospitable man and an obliging neighbor. . . . He was a hard-shell Baptist of the ultra kind—predestination and all. His wife was a good little woman and one of the sort that never tires. She usually milked thirty to forty cows night and morning, and supplied the family, from butter and cheeses and chickens and eggs that she marketed in Galveston."[2]

When people fell ill, their neighbors helped as far as possible, although among the settlers there were some who had practised medicine before they had turned farmers.[3] Like Burke's English colonists, they had made the law a general study, and were all "lawyers or smatterers in law." They dealt in general principles, for the only codes they knew were those drawn up by Austin,[4] and when crimes were committed the settlers administered their own justice—sometimes under the jurisdiction of one of the English-speaking alcaldes, sometimes by the tribunal of Judge Lynch.[5]

For the most part, there was no public exercise of religion. The Baptists early held occasional religious meetings, and later on members of other sects did the same,[1] but it was generally known that the law forbade such assemblages. There were but few Catholic priests, and in so large a country their visits to any particular neighborhood were necessarily rare. A certain Father Muldoon was a public favorite, and was in particular request for weddings. The Mexican law recognized only religious marriages, and as they could not be legally celebrated unless a priest happened to be at hand, a well-defined custom grew up of a sort of civil marriage, to be followed by the religious ceremony as soon as possible. It sometimes happened that the priest performed the marriage ceremony for the parents and baptized the children all at the same time.[2]

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[1] *Tex. Hist. Quar.*, IV, 114. And see an account of "an old-fashioned country quilting," *ibid.*, VI, 127.

[2] *Ibid.*, VI, 116.

[3] *Ibid.* IV, 93.

[4] *Ibid.*, XIII, 59.

[5] *Ibid.*, VII, 32, 34, 50; IV, 101, 117; XIV, 34-37.

Schools, such as they were, the people organized among themselves. There had been Mexican schools at a much earlier day in Béxar, but these had led a precarious existence and were of no value to the American settlers.[3] As early as 1829 a school numbering about forty children was in existence at San Felipe.[4] Other neighborhood schools were established here and there, as itinerant teachers could be secured.[5]

The Mexican state authorities were, in theory, favorable to the cause of education, and the Constitution of Coahuila and Texas and several acts of the legislature attest their interest,[6] but lack of means always prevented the carrying into effect of these well-intentioned projects. Stephen F. Austin was anxious to establish a sort of high school at San Felipe, where Spanish, English and French should all be taught—and no other languages; but this plan also came to nothing.[7]

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[1] Bancroft, *North Mex. States and Texas*, II, 547; Yoakum, II, 220.

[2] See *Tex. Hist. Quar.*, IV, 114; and "Reminiscences of Henry Smith" in *ibid.*, XIV, 34-37. These marriages were subsequently legalised by statute, even when no religious ceremony had been performed.—(*Laws of Rep. of Texas*, I, 233—June 5, 1837.)

[3] I. J. Cox, in *Tex. Hist. Quar.*, VI, 27-50.

[4] Baker, *Texas Scrap-Book*, 74.

[5] For reminiscences of these early schools, see *Tex. Hist. Quar.*, I, 285; IV, 108, 112; V, 86.

[6] Constitution, Art. 277; acts of May 13, 1829, April 13 and 30, 1830; *Laws and Decrees of Coahuila and Texas*, 127-130, 148, 157.

[7] Mattie Austin Hatcher, in *Tex. Hist. Quar.*, XII, 231.

As true Americans, the settlers did not long delay the establishment of a newspaper. Apart from one ephemeral sheet published at Nacogdoches during Long's short-lived attempt at independence, the earliest newspaper was *The Texas Gazette*, published in Austin's colony, the first number of which appeared about September, 1829. Very near the same date a journal called *The Mexican Advocate*, printed in Spanish and English, made its appearance at Nacogdoches.[1]

In spite of the lack of any efficient government, or perhaps (at that early stage of its history) because of such lack, Texas in the main was peaceable and well-ordered, and only one really serious incident occurred to confirm the pessimistic views which observers in the city of Mexico entertained, touching the turbulent character of the American settlers.

Hayden Edwards was one of the empresarios who had a contract to bring in a large number of families. The district within which his recruits were to settle was in the neighborhood of Nacogdoches, near the Louisiana line, a region from which most of the inhabitants had fled in 1813.[2] The natural result of the attempt to resettle the abandoned lands was a serious confusion as to titles, which was made worse by the fact that most of the old settlers were native Mexicans and most of the new ones were not. Edwards was not the man to adjust such matters amicably. He seems, to judge from his correspondence, to have been of quick temper and violent speech, and his antecedents were doubtful.[3] At any rate, he succeeded, during the course of the dispute as to titles, in offending and frightening the governor of the state, who cut the controversy short by cancelling Edwards's contract and banishing him from the country. To remonstrances and threats of appeal to the federal authorities, the governor merely answered that Edwards might do as he pleased about appealing, but that he must first leave Mexico.[1]

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[1] *Tex. Hist. Quar.*, VII, 243. See also Bancroft, *North Mex. States and Texas*, II, 549, where it is stated that the paper published in 1829 in Austin's colony was called *The Cotton Plant*. He does not refer to *The Mexican Advocate*, and says that the second newspaper was published at Brazoria in 1830, and called *The Texas Gazette and Brazoria Advocate*.

[2] See the testimony in *Sulphen v. Norris*, 44 Tex. Rep., 204, where some curious light is thrown on the primitive methods of colonization and surveying in vogue in early days.

[3] Austin asserted that he had kept a roulette table in the city of Mexico (*Comp. Hist.*, I, 510); while Yoakum calls him "a wealthy and intelligent gentleman" (Yoakum, I, 215).

Very much against Austin's advice, Edwards determined on armed resistance, entered into an alliance with a band of Cherokees who were then in eastern Texas, and undertook to create a new and independent state, which he called Fredonia. Meetings were held, and a complete constitution was solemnly adopted on December 21, 1826.[2] It was Long's attempt over again, and it collapsed as quickly. A force of two hundred Mexican soldiers from Béxar was joined by a body of militia from Austin's colony and marched into Nacogdoches on January 28, 1827; whereupon Edwards and his followers fled to the United States.[3]

This short-lived rebellion had very much alarmed the Mexican government,[4] but its principal significance was in the determination of the majority of American settlers, with Austin at their head, to sustain the Mexican government and put down disorder. Austin's men and their near neighbors were on the whole a property-owning, and therefore a conservative class, perfectly satisfied with their political status so long as they were allowed to do as they pleased. Doubtless they had no affection for Mexico or the Mexicans; but they were not seeking independence, and there is no evidence that they then expected or desired annexa-

[1] *Ibid.*, 243.

[2] See text in Gammel's *Laws of Texas*, I, 109–110.

[3] Yoakum's *Hist. of Texas*, I, 234–250, gives a clear and generally accurate account of the "Fredonian War," and further details will be found in *Comp. Hist.*, I, 506–534.

[4] See law of Feb. 23, 1827, passed when the trouble was all over, entitled *Facultades concedidas al Gobierno para contener los desórdenes de Téjas*, Dublan y Lozano, II, 5. The government is authorised to call out the militia and $500,000 are voted for extraordinary expenses. Poinsett said the President proposed "to set on foot an expedition against the rebels of Texas which would have been sufficient to repel an invasion," and intimated that these excessive precautions were due to a universal suspicion of the conduct of the United States government.—(Poinsett to Adams, April 26, 1827; *Poinsett MSS.*)

tion to the United States, or that they took any steps whatever looking to that end.

The Mexican authorities, however, had not regarded it in the same light. To them Edwards was a type of the American colonist who was always bent on mischief; and they strongly suspected the American government of being privy to the Fredonian rising, if not of having directly fostered it. As proof they pointed to the undisguised desire of the United States to acquire Texas, a desire which had been repeatedly expressed. There was, however, a very considerable difference between an offer to purchase the territory and an intrigue to stir up trouble among its inhabitants. The administration at Washington had very openly proclaimed a desire to buy Texas, or a part of it, if it could be had at a reasonable price; and had argued that it was a burden and likely to become a danger to the Mexican republic. But there seems to be no good reason to suppose that either John Quincy Adams or Henry Clay had advised or encouraged or been privy to the Fredonian revolt.

Whatever might have been the suspicions or fears of the successive Mexican governments in regard to Texan affairs, they had no time to spare for such matters during the close of Victoria's administration and the brief and troubled period of Guerrero's tenure of office. It was not until Bustamante had taken possession of the presidency that the subject was seriously considered.

Lúcas Ignacio Alaman, the new Secretary of Foreign Relations, was the person through whom the attention of the Mexican public was really and seriously called to Texan affairs; and it was in consequence of his recommendations that the era of easy indifference was succeeded by a period of attempted regulation and repression, which ultimately brought about disaster.

Alaman was a native Mexican who had taken no part in the revolution. He was a student, who had pursued knowledge in many directions. From 1814 to 1820—the period of Waterloo and the Holy Alliance—he had lived in

Europe; and it was not until his return to Mexico that he had begun to take part in public affairs.[1] He is best known at the present day for his authorship of an excellent and authoritative history of Mexico.

Bustamante's cabinet was formed on January 7, 1830, and one of the first subjects to engage the attention of the Minister of Foreign Affairs was a proposal which, it was stated, was to be submitted by Jackson's administration, for a purchase of the whole or a part of Texas. This report—that the offer made by President Adams was to be renewed—had excited a good deal of attention in the American press, and had caused some rather vehement comments in the Mexican newspapers. On February 8, therefore, Alaman presented a report to the Congress, taking as his text "the pretensions now clearly manifested" by the United States, to possess themselves of Texas.[2] He divided his paper into two parts: the first dealing with the supposed policy of the American government, the second dealing with the means which Mexico must adopt to preserve the territory coveted by her neighbor.

As to the first point, the policy of the United States, the examples of Louisiana and the Floridas were cited. The government of the United States, it was said, had pursued successfully one uniform and consistent line of conduct in all cases:

> "They begin by introducing themselves into the territory they covet, upon pretence of commercial negotiations or of the establishment of colonies, with or without the assent of the government to which it belongs. These colonies grow, multiply, become the predominant part of the population; and as soon as a support is found in this manner, they begin to set up rights which it is impossible to sustain in a serious discussion, and to bring forward ridiculous pretensions, founded upon historical facts which nobody admits, such as LaSalle's voyages now known to be a falsehood. . . . Their machinations in the country they wish to acquire are then brought to light by the visits of explorers, some of whom settle on the soil, alleging that their presence does not affect the question of the right of sov-

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[1] Tornel calls him a pupil of Metternich and Nesselrode.—(*Breve Reseña*, 26.)

[2] See text in Filisola, *Guerra de Téjas*, II, 590–612; translation in H. R. Doc. 351, 25 Cong., 2 sess., 312–322.

ereignty or possession of the land. These pioneers originate, little by little, movements which complicate the political state of the country in dispute, and then follow discontents and dissatisfaction, calculated to fatigue the patience of the legitimate owner, and diminish the usefulness of the administration and the exercise of authority. When things have come to this pass, which is precisely the present state of things in Texas, diplomatic intrigue (*el manejo diplomático*) begins."

As to the pending diplomatic negotiations (which Poinsett was charged with having purposely delayed) Alaman stated that new proposals were about to be made to purchase Texas for the sum of five million dollars, and if this was not accepted it was very probable that the next proposal would be to submit the matter to arbitration, as had been lately done by naming the King of the Netherlands arbitrator with regard to "some territories of Canada"; and when once that is done, said Alaman, the evil will be accomplished and Texas will be lost forever.

Alaman's historical parallels were invented to fit his theory and were quite as foolish as his ideas about arbitration. It was certainly not the fact that either in Louisiana or the Floridas, the course of events had even remotely resembled the process he traced. It was not true that it had ever occurred to any one to arbitrate the question of the title to Texas as between the United States and the Republic of Mexico. Arbitration had been adopted in respect to the disputed boundary of Maine, but the Texas question had been conclusively settled by the treaty with Spain as far back as 1819. And it was not true that the United States government had ever interfered, either by encouragement or otherwise, with the settlement of Texas. That movement, such as it was, was pure individualism. There was no "conspiracy" to encourage emigration from the United States. The early settlers had been moved by no other conceivable motive than that of bettering their condition. They went to Texas because they could get good land for nothing; and they had neither asked nor received help from anybody, least of all from the federal authorities of the United States.

But when Alaman turned to the consideration of existing conditions in Texas he was on firmer ground. The majority of the population, he reported, were natives of the United States; they occupied the frontiers and the coasts contrary to law; they had failed to comply with the colonization laws; they had obeyed or disobeyed, as they chose, the orders of the state government. The state authorities had been deplorably lax. The federal law of July 13, 1824, required the colonists to manumit their slaves,[1] and they had paid no attention to it, but had openly carried on the slave trade from the United States. President Guerrero, by his decree of September 15, 1829, had gone so far as to abolish slavery; though it was true that in order to avoid an insurrection he had been led to modify the decree in question secretly, so that it should not embrace Texas. It was a leading feature of all the colonization contracts that only Catholics should be admitted; whereas, according to Alaman, not one of the colonists in Texas was a Catholic.

What, he asked, was to be the remedy? It was obvious that Mexico could not part with her own soil. If she did so, she would degrade herself from the highest rank among the American nations, and sink into contemptible mediocrity. It would be necessary, therefore, to adopt without delay proper measures for effectually asserting Mexican authority in Texas. These should be as follows:

1. To send enough troops to occupy suitable points so as to repel invasion or check insurrection, and to increase the Mexican population by settling convicts in the points occupied by the troops.

2. To colonize the country with people whose interests, customs, and language were different from those of the United States.

3. To encourage the coasting trade between Texas and the rest of Mexico.

4. To repeal the colonization law of 1824, and give au-

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[1] This is a doubtful interpretation of that very loose statute. See above, page 43.

thority over the public lands to the federal and not to the state governments.

5. To send a commissioner to Texas to get statistics as to the colonists, and then to proceed "to take the necessary measures to preserve that part of the republic."

Without much delay the Mexican Congress took up, and in substance adopted Alaman's recommendations. On April 6, 1830, they enacted a measure which, if it had been vigorously and efficiently enforced, might have changed the destinies of their country; but which, as it turned out, served only to irritate those whom it was intended to control.

This statute provided that the government might appoint one or more commissioners whose duty it should be to visit the frontier states, to arrange with the state legislatures for taking over vacant lands in order to establish colonies of Mexicans and foreigners, to inquire into the execution of all colonization contracts theretofore made, to see that their terms were exactly complied with, and to make such new arrangements with settlers already in the country as might be deemed desirable for the safety of the republic. The federal government was to acquire land for forts and arsenals, and to employ convicts in building these public works; and after the sentences of such prisoners had expired, they were to be given land and tools in case they desired to become permanent settlers. Mexican families who wished to settle near the frontiers were to be transported free, maintained for a year, and given land and agricultural implements. The coasting trade to Matamoros, Tampico and Vera Cruz was thrown open to foreigners for four years, so that the produce of the colonies might be shipped to these points. Lumber for building purposes, and food supplies, were to be admitted free of duty at Galveston and Matagorda for a period of two years.

Such were the provisions relative to encouraging Mexican immigration into Texas. That they failed entirely was not a matter for surprise. Similar measures had been tried before to promote settlement in California, but without success;[1] and Mexican statesmen might well have asked themselves why their countrymen, when they were paid to do so, would not go to a fertile country, while thousands of eager settlers were pouring in from the north, paying their own way and asking no help from anybody. The answer could have been found only in the fundamental and mysterious differences of race.

The act of April 6, 1830, next proceeded to deal with the colonists from the United States. By article nine, foreigners were prohibited from crossing the frontier under any pretext without a passport viséd by a Mexican consul. By article ten, the status of existing colonists and their slaves was not to be disturbed; but no slave was to be imported in future.[2] And finally, by article eleven, colonization by the citizens of any adjacent nation was forbidden, and all contracts, not fully executed, which conflicted with this act, were "suspended."

The execution of the new law was intrusted to General Manuel de Míer y Terán, the commanding officer of the military district which embraced the states of Tamaulipas and Coahuila and Texas. He was a man of high character and ability, cautious, law-abiding, and well-educated. He had been Secretary of War during Victoria's administration. In 1827, when the Mexican Congress made an appropriation for surveying the northern boundary, Tornel was put in charge and got as far as Nacogdoches, although for some reason the rest of the expedition never got beyond Béxar,[3] and he had been second in command to Santa Anna in the short campaign of 1829 against the Spanish invaders.

In addition to the duties specifically imposed on him by the law of April 6, 1830, it was essential for the commanding general to watch over the organization and administration of the custom-houses in his district; for under the rather primitive system then in vogue the moneys collected at these custom-houses could be turned over directly to him for the support of his troops.[1] This task, however, was one that obviously required the greatest tact so far as Texas was concerned.

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[1] See above, chapter V.

[2] "*No se hará variación respecto de las colonias ya establecidas, ní respecto de los esclavos que halla en ellas; pero el gobierno general, ó el particular de cada Estado, cuidarán bajo su más estrecha responsabilidad, del cumplimiento de las leyes de colonización, y de que no se introduzcan de nuevo esclavos.*"—(Dublan y Lozano, II, 239.)

[3] An account of this journey is contained in Berlandier y Chovel's *Diario de Viage de la Comisión de Límites*, etc. Clay, as Secretary of State, sent passports for Terán and his party.—(Clay to Obregon, March 19, 1828; H. R. Doc. 42, 25 Cong., 1 sess., 44–46.)

Under the law of September 29, 1823, the importation of supplies for the colonists had been permitted free of duty for seven years, a period now about to expire, when the general tariff of Mexico would become operative. The extremes to which this tariff went, have already been referred to. The law of November 16, 1827, as amended and added to by the law of May, 1829,[2] prohibited absolutely the importation (among other things) of flour, wheat, and rice; of salted or smoked meat, including pork; of salt, coffee, sugar, rum, whiskey, and tobacco; of almost all kinds of cotton goods, clothing, boots and shoes, hats, carpets, and blankets; of soap, of earthenware, of lead, including shot, and of many articles of saddlery and harness. These were the commonest necessities of a farming community.

The law of April 6, 1830, had, however, modified the tariff by permitting the importation of lumber and all kinds of provisions, free of duty for two years in the ports of Galveston and Matagorda only,[3] but many indispensable articles were still the subject of prohibition, and others were subject to the high duties imposed by the Mexican tariff.

The imposition of even low duties would have caused irritation, for the people had become used to a condition of absolute freedom of trade. As the country had been gradually settled, trade had increased, small merchants had established themselves, and merchants, masters and owners of vessels, and colonists had all flourished upon a direct and unrestricted commerce with the United States. In addition, there was a feeling, not very unnatural under the circumstances, that it was unjust to be asked to pay taxes to a government which had never expended a single dollar for the benefit of the community. The Mexican government, it is true, had given them land; but, it was argued, the land was worthless to the donor, as not a Mexican could be hired to live on it, and it continued worthless until the labor of the American colonists had given it value. These colonists, it was said, who were now ordered to pay taxes, had been compelled to defend their lives, liberty, and property against savage enemies as best they might; and the government had not only failed to give them protection, but it had never opened a road, or a school, or a court-house.

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[1] Filisola, *Guerra de Téjas*, I, 158.
[2] Dublan y Losano, II, 26, 109.
[3] Art. 13; *ibid.*, 239. Matagorda had been made a port of entry directly after independence was secured; Galveston only on Oct. 17, 1825.

If it had been humanly possible for the colonists to supply their wants in Mexican markets, the result of a high tariff, rigidly enforced, might have been at worst an increase in prices; but Mexican markets were either inaccessible or inadequate. The nearest places at which Texan merchants could have been supplied were San Luis Potosí and Tampico. From any of the American settlements in Texas the distance to San Luis was not less than seven hundred miles, a large part of which was over waterless deserts and was constantly subject to the raids of Apache and Comanche Indians. As a commercial highway, this was plainly impossible; and indeed it was not suggested by Alaman, who looked hopefully to a coastwise trade, which, however, he admitted, did not then exist, to supply the needs of the colonists. With some legislative encouragement he believed that vessels from Yucatan might be induced to undertake coasting voyages to the northward of Matamoros, and this, he thought, would be of the greatest importance for "nationalizing" the department of Texas.[1] It was with a view to inaugurating such a system of waterborne commerce that the coasting trade was thrown open to American vessels for a period of four years.

Texan consumers, being thus prohibited by law from importing from the United States many articles of daily use, and being unable to procure them in Mexico, were in effect reduced to the choice of two alternatives—to go without or to smuggle—and they chose the latter. Their choice was the easier from the fact that there were almost innumerable points, both on the sea-coast and along the land frontier, through which contraband importations were easily possible, unless indeed a very vigilant and very incorruptible set of watchmen was constantly employed. Mier y Terán saw clearly that, if the law was to be enforced, it must be with a strong hand; but the limited means which the government had placed at his disposal compelled him to send boys to do men's work.

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[1] Filisola, II, 609, 610.

His plans embraced two principal features: the establishment of a number of military posts within supporting distance of each other, and the introduction of large numbers of Mexican colonists. The second part of this programme, to his great surprise and annoyance, failed utterly, although Congress, by the law of April 6, 1830, had appropriated half a million dollars for the purpose, and although he had used every means of persuasion to interest the governors of the several states in a plan for sending poor families to Texas at the public expense.[1]

The military part of his programme, however, was in a measure carried out, though the number of troops at Terán's disposal was absurdly insufficient to overawe such a population as he had to deal with—men who were hardened by recurrent Indian warfare and who thought much better of a Comanche than they did of a Mexican. A hundred Mexican Indians, even though they were dressed in the uniform of the republic, remote from all possible reinforcement or supplies, could hardly be counted on to restrain for very long the well-armed frontiersmen who outnumbered them at every point; and there were few of Terán's posts that had even a hundred men.

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[1] Filisola, I, 162–165; see also page 289 of the same volume, where the ayuntamiento of Bézar complains of the sacrifice of public money involved in bringing men to Texas roped together ("*para la conducción de cuerdas*"). It would appear that some minor criminals were sent under guard to form settlements, but with disastrous results. The ayuntamiento declared that "it is necessary to blot the newly formed villages from the map of Mexico, and put the points in which they were founded into the desert once more; since at least of the Mexicans who lived there, not a single one has remained, and even the troops who were stationed there have returned to this city beaten and exhausted." This seems to refer to encounters with the Indians—not the American colonists.

The most important garrison was, of course, on Galveston Bay. It was situated at Anáhuac, and was under the command of Colonel John Davis Bradburn, a Kentuckian by birth, who had taken part in Mina's unfortunate expedition in 1817 and had remained in Mexico ever since. He seems to have been considered a good officer by the Mexicans, but he impressed the colonists as a harsh and unreasonable tyrant, and indeed appears to have been very ill qualified for the discharge of his extremely delicate duties. He was set to play, on a smaller stage, the part that General Gage had played in Boston sixty years before, and he achieved a similar ill success. The very fact that he was not a native Mexican must have told against him, for in the eyes of the settlers he was a renegade as well as an oppressor.

A number of small but irritating controversies soon arose between the colonists and the Mexican officers. Immigrants were stopped and turned back at the frontiers. State officials engaged in surveying and issuing grants to settlers were illegally arrested. Almost all the concessions to empresarios were declared by Bradburn to be "suspended." The establishment of a municipal government at the village of Liberty, and the election of an alcalde and ayuntamiento were also arbitrarily and quite illegally annulled, although apparently regular under the state laws, and a new village government was set up under his own eye at Anáhuac. And Bradburn refused to give up two runaway negroes from the United States who had found their way to his post.

Even more serious difficulties occurred in connection with the collection of customs at the Brazos River. Although not established as a port of entry, vessels from the United States had long been in the habit of coming some miles up the river to Brazoria;[1] and Terán, in order, as he said, to meet the views of the colonists, directed that a receiver of customs, subordinate to the collector of Galveston Bay, should be stationed at Velasco, at the mouth of the river. This measure, owing to administrative technicalities, proved unworkable, as vessels were required to report at Galveston or Anáhuac after discharging their cargoes, before they could receive a clearance. The inhabitants along the river sided, of course, with the masters of the schooners, especially when they were charged with smuggling guns and ammunition. On December 15, 1831, matters were brought to a crisis by three schooners—the *Ticson*,[2] *Nelson*, and *Sabine*—refusing to pay tonnage dues and sailing out of the river without proper clearances. They were fired upon by the little detachment of Mexican troops at the mouth of the river, and returned the fire—neither party having artillery—and a Mexican soldier was wounded. Terán was extremely angry. He directed that the owners of the cargoes brought by the three schooners should pay the tonnage dues, and that if the schooners should ever return with the same crews to Texas they should be detained until those who had wounded the soldier should be given up for trial. Nevertheless, the *Sabine* was back in Brazoria on the twenty-ninth of January, 1832, this time with two cannon in her cargo. Naturally, the colonists laughed. They went further, and knocked down and maltreated one of the custom-house employees, and so frightened Lieutenant Pacho, the receiver of customs, that he literally took to the woods and abandoned his post.[3]

These disorders finally culminated in an open conflict in May, 1832, when Bradburn, entirely without warrant of law, arrested seven of the colonists living near Anáhuac, who were charged with participation in some riotous proceedings.[1] The men arrested were well known and liked by their neighbors, and the embattled farmers of the vicinity determined to release them by force of arms. On June 9, a body of perhaps a hundred and fifty or two hundred men advanced on the fort at Anáhuac; but after some desultory firing, which lasted for two or three days without serious result, an arrangement was made by which Bradburn agreed to surrender the seven prisoners, and the colonists agreed to retire from the fort and release some cavalrymen they had captured. The colonists withdrew, or appeared to withdraw, and released their prisoners; but Bradburn failed to release his. He alleged later that he kept them because the colonists had only pretended to withdraw, and had left men in Anáhuac who were to "rush" the fort as soon as the gates were opened. Whatever the truth might be in this regard, the Texans were furious at what they considered Bradburn's treachery, and were more determined than ever to take the fort. But to do this they found that artillery was needed, and they sent to Brazoria for the two guns which had been acquired by the settlers. Bradburn, on his part, availed himself of the lull in hostilities by sending for reinforcements from the neighboring Mexican posts. However, the officers to whom he appealed had their own difficulties to contend with, and he was left to withstand as best he could the coming storm.

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[1] The practice of landing goods without entering at an established custom-house was illegal and led to some diplomatic correspondence.—(Cañedo to Poinsett, April 8, 1828; H. R. Doc. 351, 25 Cong., 2 sess., 234.)

[2] This vessel is also referred to as the *Tyson*.—(Montoya to Livingston, April 9, 1832; *ibid.*, 673.) Her real name was very likely the *Texan*.

[3] Filisola, I, 186. Pacho, he says, "*se internó á pié por entre las espesuras y malezas de aquellos bosques, en donde pasó la noche, para dirigirse el dia siguiente á la parte más segura.*"

The colonists found themselves unable to send the two guns by land for reasons which a glance at the map will show, and therefore had them shipped on the schooner *Brazoria*, to be sent round by way of Galveston. Here they met with a new dilemma, for the officer commanding at Velasco naturally declined to permit the schooner to sail. That post had been strengthened in the previous April and now possessed a garrison of over a hundred men who had one piece of artillery and were strongly intrenched. It became necessary, therefore, to capture Velasco before proceeding to the siege of Anáhuac.

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[1] The accounts of this affair are conflicting, but the evidence is collected in "The Disturbances at Anáhuac in 1832," by Miss Edna Rowe, *Tex. Hist. Quar.*, VI, 280-282.

Early in the morning of June 26, 1832, the attack was begun. After a day's lively firing, in which the *Brazoria*, protected by bulwarks of cotton bales, and the two famous guns bore leading parts, the Mexican ammunition was exhausted, and the garrison surrendered. The casualties on both sides were serious, considering the small numbers engaged.[1]

Without any further fighting, the seven prisoners at Anáhuac were released a week later, and on July 13 that post also was evacuated by the Mexicans. The fall of Anáhuac, however, was not by any means due solely to dread of the Texan riflemen. An unusually well-planned and well-executed revolt against Bustamante's administration had broken out at home, and under the lead of General Santa Anna was evidently gaining strength. The prospect of the early success of this rising and the consequent overthrow of the national administration exercised a powerful influence over the minds of the officers of all the little Mexican garrisons, who naturally wished to be on the winning side, and some account of Santa Anna's exploits during the year 1832 is necessary before the later events in Texas can be related.

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[1] On the Mexican side there were five killed and sixteen wounded; on the Texan, seven killed, fourteen wounded.—(*Tex. Hist. Quar.*, VI, 292.) The official report of Lieutenant-Colonel Ugartechea, the Mexican commander, is summarized by Filisola, *Guerra de Téjas*, I, 199–209. The schooner *Brazoria* was so much damaged in the attack that her owners abandoned her to the underwriters, who claimed over seven thousand dollars from the Mexican government for a total loss.—(McLane to Butler, Dec. 31, 1833; H. R. Doc. 351, 25 Cong., 2 sess., 115.)

CHAPTER IX

SANTA ANNA IN CONTROL

THE irritating question of Texas had not been the only source of anxiety to President Bustamante and his cabinet, for from the very commencement of his administration there had hardly been a day when some ambitious leader was not heading an open revolt against the government.

Trouble had broken out first in the south, where vigorous but intermittent fighting went on through most of the year 1830. In October of that year the ex-President, Guerrero, emerged from his hiding-place and joined the southern insurgents, but was defeated early in January, 1831, by his old rival, Bravo, who had been pardoned and allowed to return from exile. A few days later Guerrero was taken, apparently by a contemptible piece of treachery, underwent a form of trial by court-martial, and was sentenced and executed.

Outbreaks in various parts of the country continued, but were put down without serious difficulty. But on January 2, 1832, a much more serious mutiny than most of such affairs broke out in Vera Cruz. The garrison "pronounced" against the government, and issued a proclamation inviting General Santa Anna to join them and put himself at the head of a movement which they proposed to carry forward, with a view to effecting an entire change in Bustamante's cabinet. The movement was only the usual attempt to turn out one set of office-holders in order to put in another. No change in the form of government was proposed as a justification for the revolution; and indeed the movement was announced as one intended to support and enforce the federal Constitution.[1]

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[1] Suarez, *Historia de México*, 263–265.

Santa Anna, who had been living quietly at his hacienda since he had defeated the Spaniards at Tampico in 1829, accepted the invitation to head the revolt, put all the money in the custom-house at Vera Cruz into his pocket, and wrote a very respectful letter advising the Ministers of Foreign Relations and of War to resign. These men, "hard of heart," says Santa Anna in his memoirs, "and well satisfied with the offices they occupied, were annoyed" ("*se molestaron*") at this request, and even exhibited some degree of warmth in their refusal to comply with his modest advice.[1] A civil war followed, which was prosecuted more or less vigorously through several states, and lasted until December, 1832, when Bustamante abdicated.

The plans of the opponents of the government had become enlarged during the progress of the struggle. They were no longer content with merely dismissing Bustamante's cabinet, but insisted also on getting rid of Bustamante himself and of installing Pedraza in his place, although the latter had resigned his claims to the office of President four years before, and had left the country. He was now brought back and was willing to serve for the short remainder of the term for which he had once been elected. This arrangement being finally agreed to by the military commanders on both sides, Pedraza took the oath of office as President on December 26, 1832, and served without molestation until the first of April following.

The existence of a state of civil war had prevented the election of a new President in September, as required by the Constitution; and it was therefore agreed, as part of the plan of settlement, that on the first day of March, 1833, the several state legislatures should vote for President and Vice-President; that the votes should be opened on March 26; and that the result of the election should be announced on or before March 30. On that day the Congress, which seems to have been an obedient tool in the hands of the army, declared that Santa Anna and Gómez Farias had received the largest number of votes, and had been duly elected President and Vice-President, respectively.

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[1] *Ibid.*, 266; Santa Anna, *Mi Historia*, 26.

Antonio López de Santa Anna, who was destined for the next fifteen years to play the most conspicuous part in the affairs of his country, was a native of Jalapa, where he was born February 21, 1795. When fifteen years old he had obtained the place of gentleman cadet in the infantry regiment of Vera Cruz, having furnished the proof of gentle birth (*hidalguía*) then required. For the next five years he served in the King's troops in Texas and Nuevo Santander. Thenceforward, during the war of independence, he served in the neighborhood of Vera Cruz, and was principally engaged in trying to suppress such guerilla chiefs as Victoria and Guerrero. He gradually rose through the various grades, and near the end of the war was promoted by the viceroy Venadito to the rank of lieutenant-colonel, receiving at the same time the cross of the order of Isabel la Católica.[1]

When the plan of Iguala was proclaimed Santa Anna hastened to join Iturbide, and took an active part in the final struggle against the Spanish troops; but nevertheless he was not well regarded by Iturbide. As he considered himself slighted, Santa Anna was among the first to proclaim the republic. Under Victoria's administration he was given command in Yucatan, and later was made governor of the state of Vera Cruz. He headed, as we have seen, the first rising against Pedraza, but was very nearly defeated. In 1829 Guerrero put him in command of the forces which opposed the Spanish invasion, and his success on that occasion naturally brought him into popular favor.

Santa Anna was shrewd enough to retire at that time from active service, waiting till an opportunity offered of getting something really worth while. All through his career he showed himself curiously unwilling to take up the ordinary duties and routine of public life. These he left to others. For himself he preferred the spectacular. He cared little for the growth and prosperity of his country.

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[1] Santa Anna, *Mi Historia*, 1-3.

For his own wealth and aggrandizement he was always deeply concerned.

In person he was of a good height, about five feet ten inches, slight, with an intelligent and expressive countenance. His hair was dark; his complexion was described as "olive"; his manners were excellent and, at least in later years, he wore an habitual expression of placid sadness. He had little education, and no taste for letters; and he neither read nor spoke any language but his own.

He loved luxury and public display. As far as he could he lived a life of pleasure, and his pleasures were not refined. He valued money for what it procured him, and he was never particular as to how the money came. He was ambitious, not for love of power, far less from a desire to benefit Mexico, but for the simple reason that high office was in his case the shortest and surest road to wealth. Offices, contracts, and concessions yielded him a handsome revenue, and so long as the stream flowed on he was content to let his associates attend to the public business.

He could be enormously energetic on occasion, and when he thought it needful to strike he struck hard. He thoroughly understood his countrymen, and he therefore always stood for the cause of the army, and generally for the cause of the church. He realized perfectly that it was necessary, on occasion, to fight in order to maintain his prestige; but he did not fight because he loved fighting. He fought at first in order to bring himself into notice, and afterward in order to keep himself in power, for unbroken success against all recurring military mutinies was an essential condition of his retaining the presidency; and the presidency, with its opportunities for money-making, was essential to his enjoyment of life.

He was not a good general. As an organizer his talents were unrivalled in Mexico, owing to his fiery energy and the hold he had on the imagination of his countrymen. But he knew little of strategy, and, owing perhaps to want of sustained diligence and attention to details, such plans as he made constantly miscarried. He was almost always defeated in serious warfare.[1]

He had no political principles. Those which he professed at any moment were invariably capable of instant change. He was true, as Lowell said of Caleb Cushing, to one party, and that was himself; but he so managed his affairs as to command, for long periods of time, the enthusiastic support of those who created public opinion in Mexico.

Gómez Farias, the new Vice-President, differed in every respect from Santa Anna. Most of the principal Mexican officials had held high military rank. Farias had never been in the army. He had been bred a physician, and had devoted himself seriously to the practice of his profession. He had taken no active part in the revolution against Spain; he seems never to have figured in politics until the reign of Iturbide; and he never held any important office until he became Secretary of the Treasury on the fall of Bustamante, at the end of the year 1832.

If Santa Anna had no political principles, Farias had only too many. He was a philosophical radical, whose system, says his enemy Alaman, was formed on the study of Diderot and other writers of the eighteenth century.[2] He had a considerable following in both houses of Congress, who represented a reaction from Bustamante's despotic government, and who set to work with great energy, as soon as Congress met, to pass laws regulating anew all the affairs of the nation, and correcting every abuse that occurred to them. Santa Anna carefully avoided taking any part in their activities. If the measures which the reformers passed proved popular, it would be time enough to come forward and claim credit for them. If they proved unpopular, he could easily denounce the folly of Congress.

The Texan colonists naturally saw in Santa Anna merely the leader of a vigorous revolt against the arbitrary acts of Bustamante's ministers, and therefore a welcome ally. They probably knew very little of his real character or antecedents; but it was quite enough for them that he was fighting against Bustamante, and that he loudly supported the federal Constitution. It is therefore not at all surprising to find the Texan insurgents, in their camp before Anáhuac, passing resolutions in which they expressed their approval of "the firm and manly resistance which is made by the highly talented and distinguished chieftain General Santa Anna," and pledged their "lives and fortunes in the support . . . of the distinguished leader who is now so gallantly fighting in defence of civil liberty."[1]

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[1] The "love of idleness, tempered by the aptitude for violent action," and the disinclination for "sustained and detailed labor," according to a philosophical traveller, are typical Spanish traits. See Ellis, *The Soul of Spain*, 37.

[2] *Defensa del ex-Ministro D. Lúcas Alaman*, Mexico, 1834, Introd., xx.

At the time when these resolutions were adopted (June, 1832) Santa Anna's success appeared to be assured; and this meant to the Texans the downfall of their enemy General Terán, who had honestly and steadfastly supported the administration of Bustamante against serious odds.[2] On May 13, 1832, Terán had been disastrously defeated by Santa Anna's followers at Tampico, and on the same day the government forces, who had been besieging Santa Anna in Vera Cruz, were compelled to retreat. Four days later Bustamante had accepted the resignation of his ministers.

The influence of this turn in affairs upon the garrisons in Texas was very marked. The settlers were declaring for Santa Anna, and any officer who opposed Santa Anna's friends ran a very great risk of finding himself on the wrong side politically. Some of the officers were in favor of siding with the colonists and boldly declaring for Santa Anna and the plan of Vera Cruz; others were for a more pru-

[1] "The Disturbances at Anáhuac," in *Tex. Hist. Quar.*, VI, 287. This declaration, according to an old settler, was not because the Texans liked Santa Anna particularly, "for we had no more confidence in one Mexican than another. . . . The fact is, we were determined to protect ourselves from insult and injury."—("Reminiscences of Henry Smith," *Tex. Hist. Quar.*, XIV, 44.)

[2] He had advised Bustamante, when Santa Anna's revolt first began, that the ministry ought to resign at once, as they would be compelled to do so sooner or later. He was, however, opposed, on principle, to all military revolutions, and had invariably declined to take part in them.—(Filisola, *Guerra de Téjas*, I, 573.)

dent line of policy, and among the latter was Colonel Piedras, the commander at Nacogdoches.

On May 31, 1832, more than a fortnight after his defeat at Tampico, Terán had ordered Piedras to go from Nacogdoches to Anáhuac and to "take suitable measures to pacify the disturbances." The order does not seem to have reached Piedras until after the attack had been made on the fort on the ninth of June and following days. At any rate, he did not leave Nacogdoches until near the end of the month. On the way he was captured by the Texans, but was immediately released upon giving his word that Bradburn's seven prisoners should be surrendered.

Piedras finally arrived at Anáhuac on the first day of July, and on the next day he took over the command from Bradburn. Within a week he had given up the seven prisoners, settled affairs in the garrison, and was on his way back to his post. He had effectually allayed the local excitement by yielding all the causes of it.

Bradburn, however, had refused to resume command of the post, and Piedras left with him a sort of certificate of character which throws a clear light on the difficulties experienced by the Mexicans in dealing with the rough and energetic settlers whom they were trying to bring under control.

> "There is no doubt," wrote Piedras, "that the Texan colonists have plans for separating from the Mexican government, which are encouraged and promoted by Austin's men; and that as this opinion is not yet generally held, they avail themselves of pretexts to put it forward and prepare the minds of all. As the political situation of the government is excessively critical, and as it is exhausted by internal convulsions, the troops not occupied in the present revolution of Santa Anna are left without money, and no hope is afforded us of receiving early aid of any kind. And considering also the dangerous situation in which the military detachments in this department are placed—wanting in supplies and men, and scattered at such enormous distances that it is not feasible, even if they should make the greatest efforts, to give each other support—it is proper, according to my way of thinking, for us to conduct ourselves in the present circumstances with the most cautious policy" ("*la mayor politica*").[1]

[1] Filisola, I, 213.

Piedras then went on to explain his idea of a cautious policy. He proposed to give the colonists fair words, to grant all their requests, to keep on building forts, and to urge the government to send such reinforcements and supplies as might enable the Mexican troops at last "to chastise the insolence of the colonists, who now prevail by force of numbers, and are trying to withdraw themselves from obedience to the laws." [1]

He had, however, hardly started on his return to Nacogdoches before the Anáhuac garrison "pronounced" in favor of Santa Anna and decided to leave Texas. They found no difficulty in chartering two schooners, and the greater part of the force sailed away on July 13, 1832, leaving behind them Bradburn and some other officers, together with the few cavalrymen who formed a part of the garrison. Those who were left marched peaceably off toward Matamoros; all but Bradburn, who, believing his life in danger, made his way in disguise overland to the United States. On the road he met a great many Americans, who told him they were going to help their brethren "throw the Spaniards out of Texas"; and he was assured that it would be easy to enlist four thousand men in Louisiana alone for such an enterprise.[2] He reached New Orleans without adventure, and ultimately returned to Mexico.

As the garrison of Anáhuac sailed out over Galveston bar they met two armed Mexican schooners with four or five transports coming in and bringing a body of some two hundred and fifty troops under the command of Colonel José Antonio Mejía, an adherent of the plan of Vera Cruz. As all were now on the same side in the revolution, the new invaders put to sea again, and the united forces made sail for Tampico to give their support to the victorious cause of Santa Anna.

Mejía had left Tampico about the middle of June, with the object of reducing the towns on the coast of Tamaulipas, and had occupied Matamoros on June 29. At Matamoros he learned of the events in Texas and of an armistice just signed between the contending forces near Vera Cruz. The small garrison of government troops which had abandoned Matamoros on Mejía's approach had not retreated far, and on July 6 an agreement was arrived at between the respective commanders, under which Mejía undertook to restore the town to the government and to relieve the beleaguered posts at Velasco and Anáhuac, upon condition that the government officials should furnish him with all needed supplies. In the meantime the *status quo* was to be maintained in Matamoros.

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[1] *Ibid.*, 214.

[2] See his report, *ibid.*, 218–224.

It so happened that Stephen F. Austin was then in Matamoros on his way back from attending a session of the state legislature. He had been trying with some success to induce the Mexican authorities to send pacific orders to the troops in Texas. News had just come of Terán's suicide, induced partly by his military reverses and partly, it would seem, by some family difficulties.[1] Austin's best chance of securing peace was obviously to go with Mejía to Velasco, which he did; and the whole expedition reached the Brazos River about July 16, 1832. The Mexican garrison from Velasco was at that moment actually on the march to Matamoros, and the relief expedition had come too late.

Mejía and Austin were, however, received with enthusiasm by the colonists. An address was presented to the former, assuring him that the late rising had been solely directed against the "arbitrary and unconstitutional measures of the administration of Bustamante," as evidenced by the acts of Terán and Bradburn. A dinner was given at which many patriotic toasts were proposed in the fashion of the day. And delegates from the neighboring ayuntamientos adopted resolutions declaring their adherence to the principles of Santa Anna's party, their desire to co-operate heartily in the glorious work of political regeneration in which he was engaged, and their readiness to take up arms in defence of the independence of their adopted country and the integrity of its territory.[1] No wonder Mejía became convinced that he was not needed in Texas.[2] He went from Velasco to Galveston, and thence sailed back, as we have seen, to Tampico.

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[1] Filisola believed that he had been murdered.—(*Guerra de Téjas*, I, 184, 249.) "Terán," says Rivera, "was one of our notable men, whether considered as a politician, a soldier, or a man of science. . . . He loved glory, but did not believe in it when it rested on domestic revolts—a business he abandoned to vulgar ambitions. . . . He always obeyed the recognised government, and asserted that public convulsions are very rarely the means of progress."—(*Historia de Jalapa*, III, 90.)

There now remained on Texan soil only the garrisons at Béxar and Nacogdoches, the former a small body of presidial troops living quietly in the midst of a Mexican population and giving no annoyance to the American colonists.

At Nacogdoches, the case was different. Piedras, the commanding officer, seems to have been, on the whole, popular with his neighbors,[3] but he was opposed to Santa Anna; and the inhabitants of the district finally decided that he must either declare himself on that side or go. It is to the colonel's credit that his ideas of a cautious policy did not go so far as to lead him to abandon his colors without a struggle. The colonists, however, were quite ready to show their strength. A sharp skirmish followed, in which Piedras was worsted, and on August 2 he evacuated the place. He was at once pursued by the Texans, who brought him to bay about twenty miles south of Nacogdoches. After an exchange of shots Piedras resigned the command to his major, who was prompt in declaring for Santa Anna, whereupon the whole force was allowed to march off to the southwest and so out of Texas.[4]

By September, 1832, and for nearly three years afterward, thère was not a Mexican soldier in Texas except the inoffensive little troop at Béxar. The collectors of customs also departed, unable, as they said, to endure the untamable spirit (*los genios díscolos*) of the inhabitants.[1] But although almost all the visible signs of Mexican domination had been thus got rid of, there were serious questions remaining, to which it behooved the colonists to find an answer.

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[1] See the text of these documents in Edward's *Hist. of Texas*, 184–190.

[2] Austin wrote two years later that Mejía's expedition was a miracle, and the expression was not far wrong. See his letter of Aug. 25, 1834, in Edward's *Hist. of Texas*, 214.

[3] Filisola accuses Piedras of being engaged in business in Nacogdoches, and of monopolising all the most lucrative import trade from New Orleans, which, he says, produced local discontent. But Filisola disapproved of Piedras. —(*Guerra de Téjas*, I, 262.)

[4] The report of John W. Bullock, "Colonel commanding" dated Nacogdoches Aug. 9, 1832, begins, "I have the pleasure to announce to you that this post *surrendered to the Santa Anna flag* on the 5th inst."—(Brown, I, 192.)

What was to be the future of Texas? Was it to remain a province of Mexico, subject to the hazards of an ill-defined, not to say arbitrary, jurisdiction, by military officers? Should it seek to become an independent nation? Or should it go further and try to secure incorporation into the United States? One thing at least was certain, and that was that the existing chaotic condition of things could not long endure.

It is not easy at this day to form a satisfactory judgment as to what was then the general public opinion in Texas in relation to these questions. Piedras, Bradburn, Terán, Filisola, and other Mexican officers, who had good opportunities for observation, were unanimous in reporting that there was a strong sentiment in favor of separation. Doubtless that was true. There could have been no genuine loyalty felt toward Mexico on the part of the settlers from the United States, and there were hot-headed people on both sides of the American boundary line who were loud in proclaiming that Texas was strong enough to defend herself against the whole power of Mexico, and that she might well declare her independence. But such loose talk could hardly have influenced those who had anything like a sober appreciation of the apparent relative strength of Mexico and Texas. Texas was weak in numbers, poor, without credit, and possessed hardly a semblance of organized government. Every consideration of expediency seemed, therefore, at that time to be against an attempt to force a separation. The public utterances of all the organs of public opinion continued to be in favor of adhering to Mexico, and the evidence seems, on the whole, to show that in the autumn of 1832 there was a decided sentiment in Texas against independence.[1]

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[1] Filisola, I, 301. One amiable collector continued for some time at Copano, but declined to examine the effects of settlers.—(Kennedy, II, 34.)

If the support of the United States government could have been assured it would have been another matter; but there is a total want of evidence to show that there was the smallest idea in any responsible quarter of giving aid to a revolution. It was known that both Adams and Jackson had expressed a desire to buy Texas; but it is as clearly proved as any negative can be that neither of them had resorted to any underhand means of attaining their object. Adams did indeed, in later years, accuse Jackson of having secretly encouraged a projected filibustering expedition from Arkansas in 1830; but the accusation was rather absurd on its face, and has since been effectually disproved.[2]

In this condition of their affairs, the best hope of securing some satisfactory government seemed to the colonists to lie in having Texas constituted a separate state of the Mexican republic. Many of them looked forward to the establishment of a vigorous and efficient local government, in which the common law of England would be administered, and in which the immunities guaranteed by the bill of rights would form the basis of individual freedom.

The procedure for effecting the establishment of a new state was perfectly familiar to the inhabitants of the Mississippi valley, where precedents were abundant. In particular, the case of Kentucky was almost precisely in point, for she had sought her separation from Virginia upon grounds that were in all important respects identical with those upon which Texas now sought her separation from Coahuila. The methods then successfully adopted were closely followed.

The first step was the holding of a general convention, which met at San Felipe on Monday, the first of October, 1832, upon the call of the alcaldes of San Felipe, and which sat until the following Saturday. Fifty-six delegates assembled, representing pretty much all the English-speaking districts except Goliad, and the delegates from Goliad, who arrived after the convention finally adjourned, concurred unreservedly in all that was done.

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[1] See *Tex. Hist. Quar.*, XIII, 261; *ibid.*, VIII, 247. *Revue des Deux Mondes*, April 15, 1840, 4 ser., XXII, 227.

[2] The subject is disposed of in E. C. Barker's "President Jackson and the Texas Revolution," *Amer. Hist. Rev.*, XII, 788 *et seq.*

A number of subjects were discussed. It was agreed to petition for separate statehood, for the settlement of land titles, for the creation of a new ayuntamiento in the region between the San Jacinto and the Sabine rivers, and for the grant of lands to support schools. "In view of the exposed condition of the country to Indian depredations," a provisional regulation for the militia was agreed to. But the most urgent matters appeared to the members of the convention to be the reform of the customs tariff and the repeal of the law which prohibited citizens of the United States from becoming settlers.

As to the tariff, it was agreed to petition the Mexican Congress to permit the importation free of duty for three years of such necessary articles as provisions, machinery, tools, cotton bagging, clothing, shoes and hats, household furniture, powder, lead and shot, medicines and books.

> "The foregoing articles," said a proposed memorial, "include the principal imports made use of and wanted by the inhabitants of Texas. Many of them are prohibited, and on those which are allowed to be introduced the duties are so high that they amount to prohibition. The trade of Texas is small and the resources limited, but if fostered by a liberal policy on the part of the general government, it will, in a few years, yield a revenue of no small importance."

On the question of the repeal of the law against American settlers, another memorial, long and rhetorical, was unanimously adopted. The law of 1830, it was declared, implied an unwarranted suspicion of the fidelity of the settlers to the Mexican Constitution. The lands of Texas, which had been given them, were in no true sense a gratuity; for these were granted on condition that they should be redeemed from a state of nature, a condition which could only be fulfilled by toil and privation, patience and enterprise, and loss of life from Indian hostilities. The only portion of the conduct of the settlers which could be tortured into anything like disloyalty was the Fredonian disturbance in 1826, which was the work of only fifteen or twenty men and was "opposed by ninety-nine hundredths of the settlers and which was quieted by their zeal and patriotism." They had indeed united with "the heroic and patriotic General Santa Anna," to vindicate liberty and the Constitution. It would have been easy at that time to declare and battle for independence. Why had they not done so?

> "Because in the honest sincerity of our hearts, we assure you, and we call Almighty God to witness the truth of the assertion, we did not then, and we do not now, wish for independence. No! there is not an Anglo-American in Texas whose heart does not beat high for the prosperity of Mexico; who does not cordially and devoutly wish that all parts of her territory may remain united to the end of time."

The law of 1830, said the memorial, was destruction to the prospects of Texas. Experience had shown that native Mexicans would not settle in it, nor would "Europeans of the right description," and all hope of the growth and prosperity of the country depended therefore on people from the United States, against whom alone the door was closed.

The convention then, having adopted the measures above referred to, agreed to send two delegates to Saltillo and the city of Mexico to present the several memorials to the federal and state governments; but for some reason the persons selected prudently found themselves "unable to go." And finally the convention appointed a central committee, whose duty it was to correspond with the subordinate local committees, to inform them concerning objects of general interest, and in case of emergency to call another general meeting.[1]

For some reason, not now very clearly apparent, the central committee thought it wise to summon a new convention. "The suddenness with which the [first] convention had been convoked and the non-attendance of a number of the delegates" is the reason generally assigned;[1] but the complete and final success of Santa Anna and the disappearance of Bustamante's government may also have been facts that influenced the decision.[2]

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[1] See Journal of the Convention in Gammel's *Laws of Texas*, I, 477–503; and Brown, I, 197–213.

On the first day of March, 1833, the elections for the new convention were duly held, and the delegates met again at San Felipe, on the first of April, the day of the inauguration of Santa Anna and Gómez Farias as President and Vice-President of the republic. During the thirteen days which the sessions of this convention lasted, the members adopted a tentative Constitution for the proposed new state, a resolution condemning the African slave trade, and an address to the Mexican Congress.[3]

The proposed Constitution followed the general lines of such instruments in the United States. Its opening sentences proclaimed the inviolable right of citizens to trial by jury and to the writ of *habeas corpus;* it promised security against unreasonable searches and seizures; it prohibited general warrants; and it declared that no man should be deprived of life, liberty, or property but by due process of law. These were the fundamental privileges which many generations of Englishmen and their descendants had enjoyed; but they rested on conceptions of law and governmental powers, which were not readily comprehensible in Mexico.

The address to the Mexican Congress, which was in fact the most important work of the convention, was admirable in tone. In clear, straightforward, and perfectly respectful language it set forth the evil results of the existing political situation, and the reasons for the proposed remedy. It began by referring to the federal law of May 7, 1824,[4] adopted by the constituent Congress, which provided that Coahuila and Texas should form one state and also that "so soon as Texas shall be in a condition to figure as a state by itself, it shall inform Congress thereof for its decision" ("*participará al Congreso general para su resolución*"). That time, the memorialists asserted, had now come; the union with Coahuila had been a mere temporary expedient; the two parts of the state were not a geographical unit, and their respective interests and the character of their populations were different. Coahuila was an inland region, adapted to mining and grazing. Texas was on the seaboard, with good harbors and a fertile soil, and was therefore fitted for commerce and agriculture. To the fact of the distance of Texas from the capital of the state, and the lack of interest felt by the people of Coahuila in her affairs, were due the impotence of the local government. The Indians massacred and robbed the oldest settlements. There was virtually no government, and it was only the "redeeming spirit" of the people which prevented complete anarchy. The judicial system was inadequate to the preservation of order, the protection of property, or the redress of wrongs.

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[1] Kennedy, II, 18.

[2] About Nov. 1, 1833, Santa Anna addressed an official letter to President Jackson announcing that Heaven had crowned with success the efforts of the defenders of federal institutions and that the revolution was "entirely extinguished."—(H. R. Doc. 351, 25 Cong., 2 sess., 689. See Jackson's reply dated Feb. 8, 1834, in *ibid.*, 116.)

[3] The text of this Constitution will be found in Edward's *Hist. of Texas*, 196–205; and of the address in Yoakum's *Hist. of Texas*, I, 460–482.

[4] Dublan y Lozano, I, 706.

For these and other reasons, the address asserted, the political connection with Coahuila was daily becoming more odious to the people, who, although mainly of foreign origin, were pledged by every moral and religious principle and by every sentiment of honor, to dedicate their energies to the advancement of their adopted country. A system which should redress grievances and remove causes of complaint would best secure the permanent attachment of such a population; and such a system could only be established by admitting Texas to the equal sisterhood of states.

A committee was appointed to lay this address and an account of the proceedings before the Mexican authorities, and thereupon the convention adjourned and the members went peaceably to their homes.

A few months earlier the purely Mexican population of Béxar had drawn up a separate petition to the state legislature, which set forth their view of the evils from which

Texas was suffering, and the nature of the remedies to be applied.[1] Owing, it was said, to the want of paternal protection from the government during the past hundred and forty years, the wretched settlements made in Texas had either disappeared or were suffering all sorts of evils. Numbers of the inhabitants had been killed by the Indians, and not a few by famine and pestilence, a result due to the indifference and apathy of the authorities. In the past eleven years ninety-seven men had been thus killed in the neighborhood of Béxar, Goliad and Gonzales alone, without counting the soldiers who had perished in the field. These soldiers also had been neglected. During the past year they had not received a twentieth part of what was due them, and half of them had necessarily been discharged, so that there were not left seventy men under arms in all Texas. Another evil was that there was not and never had been any judicial organization, nor were there any public schools.

As to legislation, the law of colonization was said to be confused and inadequate, while the law of April 6, 1830, forbidding North American immigration, had simply resulted in keeping out the best elements. North American settlers had redeemed the deserts, and given such an impulse to agriculture and other arts as the country had never seen; and these same people would afford the most efficacious, prompt, and economical means of destroying the hostile Indians. The outrageous conduct of Colonel Bradburn in arresting state officials at Anáhuac, and the injurious effect of the tariff were also dwelt upon. But the source of all the sufferings of Texas was traced to the want of a government in touch with the necessities of the people; and a change of the capital from Saltillo to a point farther north was suggested. It was also said that Texas was entitled to a larger representation in the state legislature. But the more thorough and logical remedy of making Texas into a separate state was not proposed; and indeed such a suggestion would have been contrary to the spirit of this document. The ayuntamiento of Béxar was calling upon a paternal government to come and help them. The American settlers in their conventions at San Felipe were begging to be allowed to help themselves. There was a world of significance in the different attitude of the two races.

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[1] *Representación del Ayuntamiento de Béjar*, Dec. 19, 1832; Filisola, I, 273-293. Copies were sent to all the other ayuntamientos of Texas.

The representation from Béxar, which concurred with the San Felipe memorial as to matters of fact and only differed in respect to the remedy proposed, being made in form by an official body, although it was in fact the expression of the views of all the assembled inhabitants of Béxar,[1] was not objected to; but the two conventions at San Felipe were highly disapproved of by the Mexican officials. They considered such assemblages contrary to law, and "derogatory to the supreme government," and in fact they were never able to understand very clearly what was meant by a convention or a committee.[2] They felt convinced, however, that the proceedings of the American colonists bore some character which did not appear on the surface. The real object, it was argued, could not be to secure statehood, for the people were too few, too poor, and too ignorant to constitute a separate state, and their efforts could only excite the derision and hatred of the rest of the country; nor could they wish to have Texas made into a territory, for that implied a military government; and still less could it be supposed that they were aiming at independence, for that required a supply of men, arms, and money, which the colonists did not possess. The only reasonable conclusion appeared to be that either the cabinet at Washington or the Southern states of the Union, under the lead of South Carolina, were secretly intriguing to annex the rich territory of Texas. This conclusion was thought to be supported by the fact that Butler, then the United States chargé d'affaires in Mexico, had visited Texas in June,

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[1] Filisola, I, 272.

[2] The governor of Coahuila and Texas directed the jefe político to give the ayuntamiento of San Felipe to understand that the government viewed the recent proceedings with high displeasure, and he desired to know the true meaning of the word "convention."—(Brown, I, 220.)

1832, with no ostensible object but to see the country; whereas his presence, it was contended, must have determined the revolutionary movements which broke out just at that time.[1]

It would no doubt have surprised the leaders of the nullification movement in South Carolina to be told that while they were preparing to resist the execution of the laws of the United States in November, 1832, they were engaged at the same moment in intrigues in Texas. There is, of course, no evidence whatever that there was any such stuff in their thoughts. That Colonel Butler may have busied himself in secretly encouraging revolutionary movements, is more possible. There appears to be no evidence to show that he did; but, on the other hand, there was nothing in his character to prove that he did not.[2]

Three months after the adjournment of the second San Felipe convention—that is to say, on July 18, 1833—the indefatigable Austin arrived in the city of Mexico bearing with him the address of the convention to the federal authorities. He had no reason to anticipate an unfriendly reception, for the new administration had been supported by the Texan insurgents and was known to be liberal and open-minded. Santa Anna himself was not at that time

[1] Músquiz, jefe político of Béxar, to the governor of Coahuila and Texas, March 11, 1833; Filisola, I, 310–315.

[2] On July 26, 1831, the State Department granted Butler leave of absence to "make a visit to the north of Mexico," where he desired to go on account of his health.—(Brent to Butler; H. R. Doc. 351, 25 Cong., 2 sess., 81.) He did not leave the city of Mexico that year, but on Jan. 2, 1832, he wrote a private letter to President Jackson, in which he stated that he expected, in a few days, "to make a journey north with General Mason."—(*Jackson MSS.*, Library of Congress.) He remained, however, in the capital until after the eighth of March, and he was absent until about the twentieth of June.—(H. R. Doc. 351 25 Cong., 2 sess., 437. Butler to Jackson, June 20, 1832; *Jackson MSS.*) "General Mason" with whom he travelled, was John Thomson Mason, agent for the Galveston Bay and Texas Land Company, and later accused of rather unsavory dealings with the legislature of Coahuila and Texas concerning certain fraudulent land grants of 1834. Mason was in Saltillo on May 11, and at the hacienda del Cojo, Tamaulipas, May 30, 1832, and reached New York in July. See article on "John Thomson Mason," by Kate Mason Rowland, in *Tex. Hist. Quar.*, XI, 167–170. Whether Butler actually went with Mason into Texas does not appear, but it is quite probable that he did, as there was time enough to go at least to Béxar and be back in the city of Mexico by the twentieth of June.

taking any active part in the administration, but either lived retired at his hacienda or occupied himself in suppressing the military mutinies that were breaking out as usual from time to time; and when Austin reached the capital Santa Anna had just left it, with the special authority of Congress, to march against General Arista, who was conducting a revolutionary campaign that was believed to be more or less collusive. The duties of the presidential office were being discharged by the Vice-President, Gómez Farias.[1]

Farias and his followers were in the full tide of their reforming zeal when Austin presented his plea for Texan statehood. He no doubt expected that an appeal for greater individual freedom for citizens of the republic would receive favorable consideration from philosophers and radicals; but theory was one thing and autonomy for foreign settlers another, and Austin's mission was a complete failure. In the first place, there was a technical difficulty in the way. The federal Constitution, which was adopted October 4, 1824, and therefore five months after the law which united Texas with Coahuila, provided that a new state could only be created out of part of an existing one by a three-fourths vote in each of the houses of Congress, ratified by three-fourths of the state legislatures.[2]

But, in addition, there was never any disposition on the part of the federal authorities to modify the legislation of the Bustamante government respecting Texas. The tariff and the laws relative to slavery were maintained. No assurances were given as to continued freedom from military control. And there was no willingness even to consider separate statehood. The proposals that looked so fair in Texas bore a very different aspect in the capital. Granting that separate statehood might benefit the Texan colonists, it was by no means so clear that Mexico would benefit by building up a strong and well-organized state, composed of hardy men of foreign race and alien tongue who were hostile, by all their traditions, to the ideals and aspirations of the Mexican people.

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[1] See proclamation of July 5, 1833; Dublan y Lozano, II, 536. Arista was defeated and surrendered at Guanajuato on Oct. 8, 1833.

[2] Constitution, Art. 50, subd. vii.

The federal authorities therefore expressed themselves as thinking that the time had not yet come when Texas could properly be erected into an independent state, but promised to recommend to the legislature of Coahuila and Texas the enactment of various measures for the relief of the colonists. In one respect only did Austin gain any positive success. He persuaded Congress to repeal the obnoxious provisions of the law of April 6, 1830, which forbade immigration from the United States,[1] and with this small favor in his baggage he set out from Mexico on the tenth of December, 1833.

He had only got as far as Saltillo on his journey home when he was arrested under orders from the federal government, and was taken back to Mexico and locked up in the old prison of the Inquisition. Following the usual custom in cases of serious crime, he was not permitted to communicate with any one, nor was he informed of the charges against him. What these were never clearly appeared, but the chief offence seems to have been his sending what he himself admitted later to be "an imprudent and perhaps an intemperate letter" to the people of Béxar. In this he had been rash enough to advise them to form a state government without waiting for Congress to act, for he said if the people did not take matters into their own hands Texas was ruined forever.[2]

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[1] Law of Nov. 25, 1833; Dublan y Losano, II, 637. The repeal was not to take effect for six months. The government was authorised to expend all sums of money necessary to colonise the uninhabited districts ("*puntos valdios*") of the country, and to take whatever measures it considered conducive to the security, progress, and stability of the colonies it might establish. As no colonies were established under this act there was never any occasion to exercise the magnificently vague powers thus conferred on the executive.

[2] Austin's diary from Dec. 10, 1833, to April 29, 1834, is printed in *Tex. Hist. Quar.*, II, 183–210. It is interesting not only as giving some account of Mexican conditions at the time, both in prison and out, but it also reveals Austin's attitude toward Texan independence. He was honestly trying to continue the existing Mexican connection, great as the difficulties were. See also *Tex. Hist. Quar.*, XIV, 155–163.

The charges, whatever they may have been, were never pressed, and Austin, after eight months' imprisonment, was finally released from jail as the result of important political changes in Mexico. His friends in the United States had tried to help him by getting the State Department to interfere; but Butler, the American chargé d'affaires, wrote that Austin was faring better than he deserved in prison, that he was the bitterest foe to the United States, and that he had prevented the Mexican government's agreeing to a sale of Texas; and so Austin got no help from that quarter.[1]

For over a year the radicals, under Gómez Farias, had had things pretty much their own way and had "hustled" Mexico to an extent which was not at all approved by a large proportion of the influential classes. Many matters of importance had been taken in hand. A detailed census was decreed,[2] a national library was established,[3] and the usury laws were abolished.[4] A complete system of public education for the federal district and the territories, under the control of a government board headed by the Vice-President of the republic, was enacted and the old University of Mexico and the Colegio de Santa Maria de Todos Santos were abolished.[5]

Taking the control of education out of the hands of the clergy was a bold step of itself, but the party in power went further and undertook a far-reaching reform of the church. Tithes were abolished,[6] all statutes under which monastic vows could be enforced were repealed,[7] sales of church property were subjected to government regulation,[8] and the missions in California were secularized.[9]

The army also was to be reformed. The number of regiments and battalions was reduced. The number of generals of division was cut down to eight, and the number of brigadiers to twelve.[10] The engineer corps was remodelled.[11]

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[1] McLane to Butler, May 26, 1834; H. R. Doc. 351, 25 Cong., 2 sess., 141. Butler to McLane, July 13, 1834; *State Dept. MSS.*

[2] Dublan y Lozano, II, 582.

[3] *Ibid.*, 575.

[4] *Ibid.*, 657.

[5] *Ibid.*, 564, 571, 563.

[6] *Ibid.*, 577.

[7] *Ibid.*, 580.

[8] *Ibid.*, 635.

[9] *Ibid.*, 641, 689.

[10] *Ibid.*, 600.

[11] *Ibid.*, 601.

The military school at Chapultepec was established.[1] And penalties were imposed upon officers and regiments who "pronounced."[2]

Wise and liberal as the policy of Gómez Farias and his followers may have been, their haste in putting it into effect was bound to wreck the whole scheme. Nothing but discontent and revolution could come of an attempt to reform in a single year the two strongest institutions in the country—the army and the church; and it is not surprising to find risings everywhere to the cry of "*Fueros y religión!*" (privileges and religion). In some places the cry was "*Fueros, religión y Santa Anna!*" for it was pretty generally believed that the President of the republic was not at all favorable to curtailing the privileges of the soldiery or the clergy. It was even hinted that Santa Anna himself had instigated some of these insurrections, and he certainly put them all down with rather suspicious ease.

At length, on April 24, 1834, Santa Anna saw that his time had come, and he suddenly reassumed the duties of the presidential office. The Vice-President retired from the post of authority with his hands—to use the energetic expression of a Mexican historian—clean of blood and money,[3] and the way was made easier for Santa Anna to attain, what was probably his real object all along, the possession of a purely dictatorial power. There were, however, some difficulties still in the way. The old party of the Escoceses, and the Moderates generally, believed that changes had gone far enough for the present, although they were in favor of carrying out those reforms which were in process of execution. The church and the army, however, did not approve of this programme, and on May 23, 1834, a reactionary plan was formally proclaimed at Cuernavaca which was very quickly approved by the greater part of the country.

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[1] *Ibid.*, 603.

[2] *Ibid.*, 547, 599, etc.

[3] "*Dejó el poder dictatorial con las manos limpias de sangre y de dinero.*"—(Rivera, *Historia de Jalapa*, III, 227.) The author discusses at some length the question whether Farias should not have seized and imprisoned Santa Anna as an obstacle to reform, whether he was not wanting in firmness in failing to put out of action those who were opposed to the social changes in question, and whether he was not too scrupulous about the Constitution—retreating in the face of childish obstacles and leaving the field open to the reactionaries.

Briefly, the plan of Cuernavaca declared against all proscriptive laws, all religious reforms, and all toleration of "Masonic sects"; pronounced all laws void which were contrary to these views; called upon Santa Anna to uphold the constitutional safeguards; and demanded that the deputies who had passed the obnoxious laws should be dismissed "until the nation represented anew shall be reorganized according to the Constitution and in a manner conducive to her happiness." [1]

This meant, in plain words, that the reactionaries wished Santa Anna to dissolve Congress, to amend the Constitution, and meanwhile to rule as a dictator; and this he did as rapidly as circumstances would allow. He exercised dictatorship without a Congress, without a council of government, without state legislatures, and even without ministers; and, at first without any opposition or obstacle. The governors of most of the states were dismissed, and even many ayuntamientos, the vacant places being filled by supporters of the plan of Cuernavaca.[2]

Nevertheless, by the month of July, 1834, a wide-spread but never very vigorous revolt against reaction had broken out. In Puebla, and especially in the northern and eastern states—San Luis, Zacatecas, Jalisco, Nuevo Leon, and Coahuila—there was very serious discontent and troops were sent to reduce the nearer towns to obedience. The garrisons of Tampico and Matamoros having "pronounced," any idea of a movement against Texas was necessarily abandoned for the time being; while Coahuila seized the opportunity to indulge in a small civil war of its own over the question whether Saltillo or Monclova should be the capital of the state.

After a long siege, the city of Puebla surrendered and the force of the revolt against Santa Anna was thereby broken. By a manifesto dated October 15, 1834, he announced that he was determined to sustain article 171 of the Constitution, which declared that no amendment could ever be made in reference to the state religion, the form of government, the liberty of the press, and the division of powers between the federal and state authorities. Never, said a circular of the Department of Relations, never could the President forget that the federal system was the work of his hands, never would he permit the fundamental bases of the Constitution to be overthrown; all he desired was that the Congress to be chosen in the autumn of 1834 should have power to deal with such constitutional changes as experience had shown were desirable.[1]

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[1] Text in *México á través de los Siglos*, IV, 341.

[2] Rivera, *Historia de Jalapa*, III, 198, 202.

Busy as Santa Anna was during the summer and autumn of 1834, he did not overlook the troublesome question of Texas. One of his first steps after he reassumed the office of President was to relieve Austin from his rigorous imprisonment in the cells of the Inquisition. Austin, however, was too important and too valuable an intermediary in Texan affairs to be allowed to go back at once, and he was detained in Mexico, upon one pretext or another, until the middle of the following year.[2]

Santa Anna was apparently very uncertain as to the proper course to be pursued in reference to Texas. The notion of subsidizing native Mexicans to colonize the frontier had been revived by Farias in February,[3] but this attempt had proved no more fortunate than its predecessors, for no Mexicans could be hired to go as colonists either to Texas or to the Californias. Santa Anna, however, under pretence of making preparations to establish the colonists contemplated by this decree, sent his aid, Colonel Almonte, who spoke English fluently, to report on the condition of Texas.[4] He also devoted a good deal of time to hearing

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[1] Rivera, *Historia de Jalapa*, III, 218. The conservatives, "the sensible and pious," were much alarmed by this circular.—(*México á través de los Siglos*, IV, 349.)

[2] He left Mexico by sea about July 1, 1835, remained a short time in New Orleans, and sailed thence in August, reaching Texas Sept. 1, 1835.

[3] See text of decree in Filisola, *Guerra de Téjas*, II, 39–43.

[4] The text of his report, or so much of it as was published, is in *ibid.*, 535–570.

Austin's opinions, and to settling the disputes between the Monclova and Saltillo factions, which had given rise to a condition almost of anarchy in Coahuila. In the course of these conversations Santa Anna posed as the friend of the colonists, and succeeded in making Austin regard him as thoroughly well disposed toward Texas, and as determined to remedy the evils which had been complained of.[1] Even as late as December 2, 1834, Austin wrote that everything was now changed, that continued union with Coahuila was the object to be sought, and that Santa Anna intended to sustain the federal system if any constitutional changes were to be made.[2]

It was quite true that there had been some changes for the better. The state legislature had shown very considerable liberality. New municipalities had been established.[3] Additional representation was allotted to Texas in the state legislature, and the use of English in transacting public business was allowed.[4] The sale of public lands at auction was provided for, either to Mexicans or foreigners; and the act expressly declared that "no person shall be molested on account of his political or religious opinions, provided he does not disturb public order."[5] A further act authorized the governor to distribute four hundred sitios of land under such rules and regulations as he might establish, and this became the origin of a great scandal.[6]

Another measure which might have had important results if it had ever been carried into effect was an act which created a superior judicial court in Texas, and established for it a sort of English common-law procedure, including trial by jury in civil cases.[7] Thomas J. Chambers, an American lawyer who had lived some time in Mexico, was appointed judge under this statute; but unfortunately the state of Coahuila and Texas never had money enough to pay the expenses of opening a court in Texas, any more than it had ever found the money to carry out any act of government except the issuance of grants of land; and in the complicated controversies which now involved both Coahuila and Texas it became all the more difficult to accomplish anything which required the spending of money.

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[1] Austin to Perry, Aug. 25, 1834; Edward, 211.

[2] Yoakum, I, 326.

[3] *Laws and Decrees of Coahuila and Texas*, 242, 274.

[4] *Ibid.*, 245. Law of March 18, 1834.

[5] *Ibid.*, 247. Law of March 26, 1834. This act repeals all former laws relating to public lands, and provides that there shall be no more contracts for colonization; those previously executed, however, to be "religiously complied with."

[6] *Ibid.*, 270. Law of April 19, 1834.

[7] *Ibid.*, 254. Law of April 17, 1834.

The rather inexpensive concessions which the legislature made to the inhabitants of Texas were by no means enough to remove either the causes of complaint or the prevalent distrust of the intentions of the Mexican government. In October, 1834, even the Mexican inhabitants of Texas became excited and alarmed, and the jefe político of Béxar, adopting for this occasion American methods, sent out a call for a convention, to meet on November 15; and at the same time issued a fiery proclamation urging Texas to declare herself independent.[1] The central committee appointed by the convention of March was, however, still in existence, and it succeeded in putting a stop to this premature effort. In a very temperate address, issued in November, 1834, the committee seriously warned the people against violent and reckless measures. The federal Constitution of 1824, it was said, was still in force; a separate state government could lawfully be established under it, and none but constitutional means ought to be resorted to for that end; the existing Mexican government and President Santa Anna entertained the most friendly feelings toward Texas; any attempt to effect forcibly a separation from Coahuila would invite fresh difficulties and prolong Austin's imprisonment, and perhaps endanger his life; Texas was prospering, thanks to excellent crops and a large immigration; and, in short, if the people of Texas would but be patient their grievances would be remedied in the end.[2]

These cautious counsels undoubtedly represented the views of the best men in Texas. "My advice to Texas," said Austin, "is what it has always been—remain quiet—

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[1] Text in Edward's *Hist. of Texas*, 222-224.

[2] *Ibid.*, 225-231.

populate the country—improve your farms—and discountenance all revolutionary men and principles."[1] But these were not the sentiments of all of the people, and perhaps not of a majority. No doubt the well-to-do, the farmers, the people with property and families, deprecated hasty action; but there can be no question that a large proportion of the inhabitants of Texas, including many of Mexican descent, were by this time strongly inclined to instant and radical action. The conservatives, however, were well organized and well advised, and they were able, through the whole of the year 1834, to prevent any revolutionary measures whatever.

Meanwhile the population of Texas was steadily growing in numbers, notwithstanding the restrictions of the law of April 6, 1830. As Mexico had wholly abandoned the attempt to guard the frontiers, "innumerable" immigrants from the United States had continued to pour in, even during the three years and a half that the prohibition against American immigrants was in force. But if the law had not affected the quantity, it was believed to have operated against the quality of the immigration. Men of means and men who were peaceable and industrious naturally hesitated to settle, with their families, in Texas when their very first step involved a plain violation of the law. On the other hand, the door was left wide open to "adventurers, malefactors, and the dregs of the people," who had nothing to lose.[2] The result, therefore, of passing this law and not enforcing it effectually was, as is usually the case where prohibitive laws are unsupported by an efficient and honest police, that conditions were aggravated; for while immigration from the United States was not checked, the conservative element was replaced by the adventurous.

The wealth of Texas had likewise increased as the farmers had extended the area under cultivation, improved their buildings, and increased the number of their cattle and slaves. In Austin's colony alone it was estimated that the exports of cotton for the year 1833 amounted to nearly two million pounds. There were thirty cotton-gins in operation, two saw-mills, and several water-mills.[1] There were practically no manufactures in the country, because everything came in from New Orleans free of duty; and in San Felipe and Brazoria there were good country stores which were so well supplied with clothing and the necessaries of life, and which offered their goods at such low prices, that the Mexicans came from Béxar, and even from as far as Monclova, to deal with them. There was a small steamboat trading on the Brazos River, and others were expected to be built. All the settlements as far as Nacogdoches were prospering in like manner.[2]

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[1] Letter of Jan. 16, 1834, in *Tex. Hist. Quar.*, XIII, 266. And see letter of March 3, 1835, *ibid.*, 270.

[2] Address of the Ayuntamiento of Béxar, Dec. 19, 1832; Filisola, *Guerra de Tejas*, I, 278.

It was, in short, a thriving frontier community of a type perfectly familiar in the annals of the Western states of the American Union, still poor and inhabited by a population scanty in numbers, but of an intensely hopeful, not to say sanguine, disposition.

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[1] Austin to Filisola, May 24, 1833; *ibid.*, 351.

[2] Report of Almonte; *ibid.*, II, 555–568.

CHAPTER X

PRESIDENT JACKSON'S OFFERS TO PURCHASE TEXAS

WHEN Henry Clay, in 1825, first undertook the management of the foreign affairs of the United States, under the administration of John Quincy Adams, it was undoubtedly the expectation of both these experienced public men that through their agency close and friendly relations would be established with all Latin America. These hopes, so far at least as Mexico was concerned, were utterly disappointed. The administration came to an end without having been able to conclude either of the two treaties which the American minister to Mexico had been particularly instructed to negotiate, and the government of the United States had become the object of settled dislike and suspicion, which it should have been the effort of the new administration to remove. The situation in respect to the two treaties was as follows:

The treaty which was intended to confirm the boundary line of 1819 had been ratified by both governments, but the Mexican ratifications had arrived in Washington too late to be exchanged within the time limited, and no effort had been made by the Adams administration to fix a new period. The treaty of commerce signed in 1826 had been approved by the United States Senate, subject to certain modifications, early in March, 1827. A new treaty, bearing date February 14, 1828, had been negotiated which contained all the proposed alterations; but the Mexican Congress failed to take any action upon the treaty, two principal objections being raised in their debates. These objections related to the clauses which dealt with the surrender of fugitive slaves and the control of the border tribes of Indians.[1]

So far as the completion of a treaty of commerce went, there appeared to be nothing for the new administration to do except to await patiently the action of the Mexican Congress, but if the boundary line was to be fixed by a new treaty, it was evident that affirmative action by the American government was needed. Jackson, however, was in no haste to take up that question. Instructions had been sent to Poinsett to enter into negotiations for the purchase of Texas within three weeks after Adams had entered the White House, but it was not until Jackson had been over five months in office that anything was done. As a resident of Tennessee, which was the principal centre of early emigration to Texas, Jackson was naturally better informed on the subject than most people, so that it is perhaps surprising to find that he should not have taken any active interest in the question at an earlier date. Neither he nor his Secretary of State seem to have given it any consideration until it was specially brought to their attention by an old friend of the President, Colonel Anthony Butler.

Butler was a native of South Carolina, who, as a young man, had removed to Kentucky and settled at Russellville, where he was a friend and neighbor of John J. Crittenden.[2] When the war of 1812 broke out, Butler was made lieutenant-colonel, and subsequently colonel, of the twenty-eighth infantry, and in that capacity was in command at Detroit in the spring of 1814 after its recovery by the Americans in the previous autumn. The next winter he was with Jackson at New Orleans, where the foundations were laid for an intimate and confidential friendship. After the close of the war with Great Britain Butler removed to Monticello, Mississippi, where he became a member of the legislature in 1826; and not long after that time he seems

[1] The text of the treaty of Feb. 14, 1828, both in English and Spanish, is in *Amer. St. Papers, For. Rel.*, VI, 952. The Mexican objections are stated in a despatch from Poinsett to Clay, May 21, 1828; H. R. Doc. 351, 25 Cong., 2 sess., 210.

[2] Butler, it seems, married Crittenden's sister.

to have acquired some interest in lands in Texas, probably near Nacogdoches. And when Jackson became President, Butler turned up in the city of Washington, partly as an applicant for office, and partly to get the government of the United States to do something for Texas.[1]

Butler in later years quarrelled with Jackson, who declared he was a scamp and a liar.[2] He quarrelled with Wilcocks, the American consul in the city of Mexico, who charged him with all sorts of immorality.[3] And he quarrelled with Sam Houston, who asserted that he had squandered his wife's property and then abandoned her; that he had swindled many persons in the United States; that he was a gambler; that he was not a citizen of Mississippi, but a resident of Texas, in 1829; and altogether that he was a much worse man than anybody else whom Houston knew.[4]

John Quincy Adams, who examined Butler's despatches on file in the State Department, declared that his looseness of moral principle and political profligacy were disclosed in several of his letters, and his vanity and self-sufficiency in others. This statement is fully warranted. Some of Butler's correspondence is insolent and even scurrilous in tone; and all of it betrays the author as vain, ignorant, ill-tempered, and corrupt. A man more unfit to deal with the punctilious, well-mannered, and sensitive people who controlled the Mexican government, or to attempt the delicate task of restoring confidence in the objects and purposes of the American government, could scarcely have been found.

During the summer of 1829 Butler, according to his own account, talked very freely in relation to Texas with both Jackson and Van Buren, then Secretary of State. Presumably at their request, he prepared a statement as to the geography and productions of Texas, and another paper in which he set forth the arguments that might properly be addressed to Mexico to urge the sale of that province to the United States.[1] It was the presentation of these documents by Butler, then a speculator in Texas lands, which seems to have first aroused Jackson's interest in the subject of the acquisition of Texas.

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[1] Adams in his *Memoirs*, XI, 359, gives some particulars about Butler, derived apparently from Mr. Hunter, then chief clerk of the State Department. Other information is to be found in Butler's letters to Crittenden in the *Crittenden MSS.*, Library of Congress.

[2] See *Atlantic Monthly*, vol. XCV, Feb. (1905), 220.

[3] McLane to Butler (enclosing charges made by Wilcocks); H. R. Doc. 351, 25 Cong., 2 sess., 109–111.

[4] Houston to Butler, Dec. 25, 1845; *Texan Archives MSS.*

It is to be noted here, for Butler's arguments subsequently became of some importance,[2] that in the second of these papers he pointed out there were two rivers flowing into Sabine Lake, one coming from the north, which was commonly called the Sabine, and one from the northwest, commonly called the Neches; and he contended that there was ground for argument that the latter of the two was the river which the treaty of 1819 really intended as the boundary. This seems to have been an invention of his own. There never was any confusion of names; the rivers were clearly laid down in Melish's map, referred to in the treaty of 1819; and the only reason for Butler's claim was in the fact that as the village of Nacogdoches lay between the two rivers, it would have come within American jurisdiction if his view had prevailed, doubtless enhancing the value of all the lands in that neighborhood.[3]

With Butler's two papers before him, Jackson began by preparing a careful memorandum for the Secretary of State, bearing date August 13, 1829, in which he directed that Poinsett should be instructed to renew the proposal for a change in the boundary as fixed by the Florida treaty of 1819. The President wished the line between the United States and Mexico to follow the watershed between the Nueces River and the Rio Grande "to its termination on the mountain," and that it should then follow the watershed

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[1] These two papers are undated, but will be found in the *Van Buren MSS.*, Library of Congress, under the supposed date of Aug. 11, 1829.

[2] See Chapter XV below.

[3] When the line between the United States and Texas was finally run in 1840, the commissioners agreed without difficulty that the Neches did *not* form the boundary. Among other reasons, they stated that all the editions of Melish's map prior to 1819, as well as "the concurrent testimony of respectable inhabitants," fully established the identity of the Sabine.—(Sen. Doc. 199, 27 Cong., 2 sess., 60, *note*.)

"dividing the waters of the Rio del Nort from those that run Eastward of them in the Gulf, to the 42° of North latitude until it strikes our present boundary on that parallel." For such an acquisition of territory Poinsett might be authorized to pay as much as five million dollars; and less in proportion if the Mexican government would not cede so much territory.

He urged, as a good reason why Mexico should agree to sell, the avoidance of "collisions," which would certainly grow out of "the intercourse of her citizens with ours," and which could best be controlled if the line ran through a "desert." Texas, he said, would be settled "chiefly by the citizens of the United States, who under a different system of government may become turbulent and difficult of control and taking advantage of their distance from Mexican authority, might endeavor to establish one independent of it."

This proposal, it will be seen, was not essentially different from the proposals made in Adams's administration; except that Jackson offered five times as much money.

In another note, dated the following day, August 14, Jackson added the suggestion that, in the event of a cession, the United States should not be bound to confirm any grants within the territory ceded, the consideration of which had not been complied with. And on the next day, August 15, he wrote again to Van Buren, rearguing the advantages of a cession and urging that now was "the time to acquire this country, or at least to make the attempt." [1]

Jackson evidently saw clearly the advantage to the United States of the purchase of a fine and fruitful country. He also saw the immense advantage to Mexico of getting rid of a territory which in her hands was useless and was certain shortly to become troublesome; but he lacked that quality of insight into the character of the ruling class in Mexico which might have enabled him to foresee how such a proposal would be received, for the suggestion that the national territory should be dismembered because the government was incapable of administering it was certain to awaken every inherited Spanish instinct of pride and every feeling of national independence.

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[1] All the above are in the *Van Buren MSS.*, Library of Congress.

In later years Jackson was accused of underhand contrivance in stirring up trouble in Texas, and his truthful prophecies of the difficulties Mexico would find in controlling the American colonists were cited as evidence of his machinations. But Ward and Poinsett long before had both prophesied to the same effect; and indeed the event was plain enough to any one who was acquainted with the unspeakable inefficiency of the Mexican government of that time, and with the fundamental differences between the two races.

On August 25, 1829, in strict accordance with the President's orders, Van Buren, then the Secretary of State, wrote to Poinsett, instructing him to reopen negotiations; but even before Van Buren wrote, the newspapers of the country had begun to publish voluminous articles on the subject of Texas. Up to this time it would have been hard to find in the American press anything more than a passing allusion to that distant country. Texas was not only physically far away, but its future development seemed to be quite as distant, and the prospects of a mere agricultural country were not calculated to excite much interest at a time when the valleys of the Mississippi and the Missouri, not to speak of the distant Oregon country, still seemed full of all manner of possibilities.

The newspaper campaign began on August 18, 1829, when the Nashville *Republican and Gazette* undertook a long essay on the advantages of the proposed purchase. It was followed in September and October by similar articles in other parts of the country, some of which were from the unwearying pen of Senator Benton, of Missouri, who had for years resented the boundary line of 1819.

Benton's arguments are worth stating, for he represented fully and intelligently the opinion of the Southwest. His objections to the line of 1819 were far other than those of Clay, and rested on much firmer ground. Briefly, he contended that Louisiana in French hands had certainly embraced the whole of the Mississippi basin;[1] that it therefore had included the whole of the valleys of the Arkansas and Red rivers; and that, as the treaty line intersected both these valleys, a large part of the Mississippi basin had been given away to Spain without her ever having had title to it and practically without her having asked for it. The result, he contended, was injurious to the Southwest in many ways, especially because it impeded trade between St. Louis and New Mexico, rendered it unduly difficult to control the Indian tribes, and brought Mexico, a country without slaves, in direct contact with the slave-holding portion of the Union.[2]

The President's friends, however, were not alone in the field. Some of the newspapers opposed the acquisition of more territory, and an attentive ear might have heard, clearest of all, the small voice of the *Genius of Universal Emancipation*. That struggling sheet had just been revived by William Lloyd Garrison's joining forces with Benjamin Lundy,[3] and on September 16, 1829, it sounded an alarm against the attempt of the advocates of slavery to acquire Texas "for the avowed purpose of adding five or six more slave-holding States to this Union." Slavery, it was asserted, had already been abolished in Texas by the Mexican government, and the object of Senator Benton and his friends who advocated the purchase was merely that they might reintroduce slavery. "A greater curse," continued the editor, "could scarcely befall our country than the annexation of that immense territory to this republic, if the system of slavery should likewise be re-established there."[4] The assertion that slavery did not then exist in Texas was, as has been shown above, entirely untrue.

[1] This was admitted by the French government.—(Champagny to Beauharnais, Aug. 31, 1807; Robertson's *Louisiana*, II, 211–214.)

[2] See McMaster's *History of the People of the U. S.*, V, 543–548; Benton's *Thirty Years' View*, I, 14–18. That the treaty of 1819 yielded to Spain some 80,000 square miles of the Mississippi basin is unquestionable.—(Z. T. Fulmore, in *Tex. Hist. Quar.*, V, 260.)

[3] Garrison's *Life of William Lloyd Garrison*, I, 141.

[4] These articles are reprinted in full in Lundy's *War in Texas* (2d ed.), 16–20.

Far more influential criticism than Lundy's would have been required to swerve Jackson from a course on which he had deliberately entered; but, as a matter of fact, the opposition of Lundy and his friends would not then have halted the most timid politician. "When Jackson became President, in 1829, anti-slavery seemed, after fifty years of effort, to have spent its force. The voice of the churches was no longer heard in protest; the abolitionist societies were dying out; there was hardly an abolitionist militant in the field; the Colonization Society absorbed most of the public interest in the subject, and it was doing nothing to help either the free negro or the slave; in Congress there was only one anti-slavery man, and his efforts were without avail."[1]

And it is quite clear that such slight opposition as then existed to the acquisition of new slave territory did not affect in any way the action of President Jackson and his administration. If their efforts for the purchase of Texas subsequently slackened, it was due to the conviction, gradually reached, that the attempt was hopeless because of the state of public opinion in Mexico and the march of events in Texas itself.

It has been already stated that President Jackson in three separate memoranda, on the thirteenth, fourteenth, and fifteenth of August, 1829, directed his Secretary of State to reopen the negotiations for the purchase of Texas. Van Buren's instructions to Poinsett based on these memoranda were dated August 25, 1829.[2] They were intrusted to the hands of Anthony Butler, who set out for the city of Mexico by way of Texas, ostensibly as bearer of despatches, but in reality charged with verbal messages and explanations from the President.[3]

Butler had hardly left Washington when a despondent letter from Poinsett arrived at the State Department to disturb the complacency and self-confidence of the administration. This communication was shortly followed by the arrival of Commodore Porter bearing a number of other despatches from the American legation, and charged with verbal messages from Poinsett to the President.[1] The burden of all Poinsett's complaints was the jealousy of the Mexicans at the growth and prosperity of the United States, and the undue influence of Great Britain.

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[1] Hart, *Slavery and Abolition*, 165.

[2] H. R. Doc. 42, 25 Cong., 1 sess., 10–16. Several drafts of this important document are among the Van Buren papers in the Library of Congress.

[3] "This despatch will be delivered to you by Colonel Anthony Butler, of the State of Mississippi. Colonel Butler has made himself well acquainted, by actual examination, with the territory in question, its streams and locali-

> "I am still convinced," Poinsett wrote, "that we never can expect to extend our boundary south of the river Sabine, without quarreling with these people, and driving them to court a more strict alliance with some European Power."[2]

And Porter, who just then entertained the worst possible opinion of the Mexican government, undoubtedly confirmed these conclusions.

Whether Poinsett's unhopeful view of the situation was or was not justified by the facts, it was, at any rate, perfectly apparent that his own usefulness had long since ceased, and that he himself was well aware of it. The President, however, was by no means eager to displace him, for Poinsett, with the rest of the South Carolina delegation in the House of Representatives, had voted for Jackson in the exciting contest of 1825. Instructions were therefore sent to him merely authorizing his return to the United States unless a change of sentiment had occurred since he last wrote, in which case he might remain at his post. It was the President's "anxious wish" that Poinsett's return should not be "attended by any circumstance which might wear

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ties. In the belief that he deserves your confidence, and that he may be useful to you in the negotiation, by supplying you with facts which might not otherwise be within your reach, he has been instructed to observe your directions in regard to his stay at Mexico, and his agency in the matter whilst there."—(Van Buren to Poinsett, Aug. 25, 1829; *ibid.*, 16.)

[1] Porter had been employed to organise a Mexican navy. He went to Mexico in 1826, and returned in disgust to the United States early in October, 1829.—(D. D. Porter, *Memoir of Commodore David Porter*, 347–391.) He wished to be sent to Mexico as minister to succeed Poinsett, but the administration refrained from committing that particular act of folly.

[2] Poinsett to Van Buren, July 22, 1829; H. R. Doc. 351, 25 Cong., 2 sess., 286.

the appearance of censure." If Poinsett should decide to return to the United States, he was to leave in charge of the legation Colonel Anthony Butler, who, according to Van Buren, was possessed of "qualifications peculiarly adapted to the station." At the same time long instructions were sent to Butler to cover the case of his having to assume the duties of chargé d'affaires.[1]

When these letters were written, Butler was sick at Attakapas, in the state of Louisiana, having got only that far on his road to Mexico.[2]

Before the messenger bearing the instructions to Poinsett and Butler had left the city of Washington, the Mexican representative presented to the State Department a communication requesting, in the name of his government, Poinsett's recall.[3] The request was at once complied with by adding postscripts to the instructions of October 16.[4]

A private letter from the President reinforced the admonitions of the Secretary of State.

> "I have full confidence," Jackson wrote to Butler, "you will effect the purchase of Texas, so important for the perpetuation of that harmony and peace between us and the Republic of Mexico so desirable to them and to us to be maintained forever and if not obtained, is sure to bring us into conflict, owing to their jealousy and the dissatisfaction of those Americans now settling in Texas under the authority of Mexico—who will declare themselves independent of Mexico the moment they acquire sufficient numbers. This our Gov-

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[1] Van Buren to Poinsett, Van Buren to Butler, Oct. 16, 1829; *ibid.*, 35–38, 40–52. A memorandum from the President and Van Buren's draft of these instructions are among the Van Buren papers in the Library of Congress.

[2] Butler to Van Buren, Oct. 17, 1829; *State Dept. MSS.* In this letter Butler expressed the opinion that the newspaper publications about Texas were doing harm.

[3] Montoya to Van Buren, Oct. 17, 1829; H. R. Doc. 351, 25 Cong., 2 sess., 638.

[4] In addition to the formal commission and credentials to Butler, sent with these instructions, President Jackson adopted the very unusual course of sending a private and confidential letter of introduction addressed to President Guerrero dated Oct. 18, 1829. This letter was extremely complimentary to Poinsett, as to whom Jackson stated he thought there had been a misapprehension. Colonel Butler, he said, "was a gallant commander of one of our regiments of infantry in the last war of the United States with Great Britain" and a soldier and citizen of the highest honor and respectability.—(*Jackson MSS.*, Library of Congress.)

ernment will be charged with fomenting, altho all our Constitutional powers will be exercised to prevent. You will keep this steadily in view, and their own safety if it is considered will induce them to yield *now* in the present reduced state of their finances."[1]

The October instructions reached the city of Mexico about December 15 and before Butler's arrival in that city; but Poinsett, without waiting, immediately notified the Mexican Foreign Office that he had been recalled and requested the President to fix a date for a final audience. President Guerrero, however, was much too busy at that time defending his own existence to trouble himself with civilities to foreign ministers. Bustamante had pronounced, and was advancing against the capital; and on the night of December 22, 1829, he assaulted both the palace and the citadel, which were immediately surrendered. But on December 24 Poinsett was notified by the new administration that he might present his letter of recall on the following day.[2]

Butler had arrived in Mexico December 19, 1829,[3] and had been in the capital only a few days when the Mexican newspapers announced that he had come with instructions to purchase Texas for five million dollars. Where the information came from did not appear, but it is likely that Butler had boasted on his way through Texas of what he was going to accomplish. The organ of the Bustamante party, *El Sol*, expressed editorially the opinion that as Butler had so far made no overtures on the subject, "we presume that he does the new administration the justice to suppose it incapable of a transaction as prejudicial and degrading to the republic as it would be disgraceful to the minister who would subscribe to it."[4]

This probably inspired utterance was not calculated to encourage the American representative, and indeed the most recent official communications from the State Department at Washington exhibited no expectation of his accomplishing anything. Writing to him on the same day that leave was given Poinsett to retire, Van Buren's instructions to Butler had been one long complaint of the unfriendly and ungrateful attitude of the Mexican government toward a country which had been its earliest and best friend. Mexico had treated the efforts of the United States to regulate commercial intercourse "with a degree of indifference and suspicion as extraordinary as it was to be regretted"; there had been "unaccountable tardiness" in ratifying the boundary line of 1819; the course of President Guerrero toward Poinsett had been unjust; and the government of the United States, to its deep regret, was unable to call to mind "a single act of the Mexican Government which would serve to relieve the unfriendly aspect of its whole conduct."[1]

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[1] Jackson to Butler, Oct. 19, 1829; *Jackson MSS.*

[2] Poinsett to Viesca, Dec. 15, 1829; Torres to Poinsett, Dec. 24, 1829; H. R. Doc. 351, 25 Cong., 2 sess., 307, 309.

[3] Butler to Van Buren, Dec. 31, 1829; *State Dept. MSS.*

[4] Translation in H. R. Doc. 351, 25 Cong., 2 sess., 310.

The next six months only served to heighten Van Buren's gloomy views as to the attitude of the Mexican government. Poinsett reached Washington in March, 1830, and expressed most freely to the President and Secretary of State the highly unfavorable opinion he had formed in relation to public affairs in Mexico. These conversations convinced the administration that a change in Butler's instructions was imperative, and on April 1, 1830, Van Buren wrote him that the President after hearing Poinsett did not despair of a final arrangement, but was convinced that this was not an auspicious time for beginning negotiations for the purchase of Texas. "To watch the state of the public mind, the opinions of the principal members of the government, and hear what is said on all sides, is all that is, for the present, expected from your agency in the matter."[2]

The hopes which Jackson less than eight months before had entertained of acquiring with general applause the fertile land of Texas, of completing with success a negotiation in which Adams and Clay had so conspicuously failed, were thus laid aside. But even before Poinsett had arrived in Washington, before the April instructions to Butler had been written, and, of course, before he had had any oppor-

[1] Van Buren to Butler, Oct. 16, 1829; *ibid.*, 40–52.
[2] Same to same, April 1, 1830; *ibid.*, 59–62.

tunity of removing what Van Buren had not unjustly described as "a groundless and unjust prejudice which had been excited against the Government of the United States," the new Mexican government had more than justified Van Buren's conclusions as to the unwisdom in going on with the proposed negotiations. The views of Bustamante's cabinet on the subject of Texas were set forth in the confidential report from Lúcas Alaman, the recently appointed Secretary of Foreign Relations, dated February 8, 1830, which has been already fully referred to.[1]

Butler secured a copy of this report as early as February 19, 1830. "I have had placed in my possession," he wrote, "the transcript of a document recently presented by the secretary of state to the Mexican Congress in conclave and which I design forwarding to you by a private conveyance which leaves Mexico in about a week."[2] It was not until March 9, however, that Butler was able to find a safe conveyance for this paper which he sent in the original. "I have not sent you," he said, "a translation of Mr. Alaman's report because I should have performed that duty imperfectly myself, and to trust such a document to another would at once disclose the fact that I had access to the secret proceedings of the Mexican Government."[3] The tone of this report was more than unfriendly to the United States. It was grossly insulting. Nevertheless, Butler in transmitting it had the effrontery to say that although the difficulties to be overcome in a negotiation with Mexico had doubtless multiplied in the two years preceding, there were, nevertheless, the best grounds for believing Texas could be had by treaty.

For some weeks Butler kept on writing, both to the President and the Secretary of State, most gratifying accounts of his long and friendly conversations with Alaman, and of the probability of a settlement of all the matters under discussion, "including the cession of part or the whole of Texas."[1] But after receiving Van Buren's instructions of April 1, 1830, Butler wrote that he was glad that the department had adopted the opinion "that the present time is inauspicious for the commencement of negotiations for Texas."[2] He recurred to the subject later on, and at intervals during the next six years he tried to encourage Jackson's hopes of rivalling Jefferson and Monroe by acquiring Texas, as they had acquired Louisiana and Florida.

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[1] See Chapter VIII.

[2] Butler to Van Buren, Feb. 19, 1830; *State Dept. MSS.*

[3] Butler to Van Buren, March 9, 1830; *State Dept. MSS.* Alaman himself says that his report was to be kept strictly secret, but that one of the Yorkino deputies gave a copy to Poinsett.—(Alaman, *Historia de Méjico*, V, 874.) Poinsett, however, had left Mexico before the report was presented to Congress.

There does not seem to have ever been the slightest ground for Butler's repeated assurances that he was within a hand's breadth of success. His motive in giving them is plain enough. He wanted to be retained in office; and if he could only make the President believe that his removal would wreck a promising negotiation he would be safe. At times it would seem that Jackson was partly convinced. But it is quite apparent that the very capable men, Van Buren, Livingston, McLane, and Forsyth, who successively filled the office of Secretary of State, were never imposed upon.

Butler's only diplomatic success was in getting the two treaties ratified which Poinsett had negotiated. The commercial treaty, however, was modified in certain minor particulars, and notably by omitting the clause as to surrender of fugitive slaves; and as so amended was ratified by Mexico, but only after a threat by Butler to close his legation if Congress did not act by a certain day.[3] The ratifications of both treaties were exchanged in Washington on April 5, 1832.[4]

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[1] Butler to Van Buren, April 7, 1830; *Van Buren Papers*, Library of Congress. Butler to Jackson, April 15, 1830; *State Dept. MSS.*

[2] Butler to Van Buren, May 21, 1830; H. R. Doc. 351, 25 Cong., 2 sess., 326.

[3] Butler to Alaman, Dec. 14, 1831; H. R. Doc. 351, 25 Cong., 2 sess., 411. In connection with the treaty confirming the boundary line of 1819, Butler on Jan. 2, 1832, wrote a private letter to the President to the effect that it had much better not be ratified by the American Senate as it would facilitate the negotiations with Mexico if the whole subject were open to discussion. —(See *Jackson MSS.*, Library of Congress.) The President does not seem to have paid any attention to this silly and dishonest suggestion.

[4] See correspondence as to exchange of ratifications; H. R. Doc. 42, 25 Cong., 1 sess., 48–58.

It was not until Butler had been nearly two years in Mexico that he ventured to open the subject of Texas to Alaman. He had previously sent to Washington excuses for delay and requests for further instructions. In May, 1831, he wrote to the President that there had never yet been a fit time for discussing the subject.

> "It would," he said, "have been something worse than folly to approach the affair of Texas. It was a principal object with me to permit that subject to rest so completely that it would be lost sight of by the people here, and be taken up on some proper occasion, after all the suspicions and jealousies it had awakened were dissipated. But our newspapers have kept it so constantly before the public gaze, not only in the United States, but so as to attract the attention of Europe during the past year, as in a great degree to prevent the previous excitement from subsiding. . . . Whenever the [Mexican] newspapers desired to fan anew the flame of opposition against General Guerrero, there would appear publications charging him with the design of selling Texas to the United States, and then add that for such a crime alone he deserved expulsion from the Government. All this served to admonish me that success in a negotiation for Texas hitherto was out of the question."[1]

On June 23 he wrote again that he should seek the earliest occasion to bring the subject of Texas before the Minister of Foreign Relations, but as the subject abounded in difficulties and required to be treated with great caution and delicacy, it might take time. He wished, however, to be advised whether the sum of five millions was the maximum that would be given under any circumstances, or whether he might not go as far as seven millions if it should be discovered in the course of the negotiation that a difference as to price was the only obstacle.[2] "Your suggestion with regard to the maximum," Jackson replied, "has been fully considered in executive Council and their unanimous opinion is, the Five millions cannot be exceeded."[3]

At last, in October, 1831, Butler "cautiously approached" the Minister of Foreign Relations, and was told "that the federal government, if they were to attempt such a measure, would not only violate the Constitution, but produce resistance on the part of the states"; and Butler thought it best not to press the matter further at the time;[1] and he did nothing more about it that year. Just before Christmas, in a despatch transmitting the ratified treaty of commerce, he wrote: "Being now at leisure to turn my attention to another subject, I hope to be able very shortly to communicate something on the subject of T———."[2]

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[1] Butler to Jackson, May 25, 1831; H. R. Doc. 351, 25 Cong., 2 sess., 381.

[2] Butler to Jackson, June 23, 1831; *Jackson MSS.*

[3] Jackson to Butler, Aug. 17, 1831; *ibid.*

Meanwhile, the situation in Texas was becoming acute through the operation of Alaman's stringent measures to regulate the conduct of the settlers. In February, 1832, Edward Livingston, the Secretary of State, wrote to Butler on the subject. Advices, he said, had been received from private sources of great discontent in that quarter threatening a formidable insurrection.

> "As the persons most active in these movements are said to be emigrants from the United States, suspicions may arise in the minds of those ignorant of the principles on which our Government is conducted, that it has fomented or connived at these discontents, should they break out into action. These it will be your duty, by every means in your power, to remove; declaring, should any such suggestions be made, that you are instructed to say that they are totally unfounded, and that your Government will consider them as the expression of an unfriendly doubt of their good faith."[3]

When this reached Mexico Butler was absent on a trip to the northern part of the country, which may have extended as far as Texas. He returned to the capital late in June and immediately sought an interview with Alaman. During the next three or four weeks they had at least three conversations, concerning which Butler wrote at great length to the Secretary of State, referring also to the probability of Santa Anna's success and to the exhausted condition of the Treasury, which he said had been replenished by means of a small loan at the extraordinary rate of four per cent a month interest. He expressed the opinion that Bustamante's government would certainly not last a year; but he apparently did not think it necessary to report to the State Department the fact that Alaman had resigned his position as Minister of Foreign Relations six weeks previously.[1]

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[1] Butler to Jackson, Oct. 6, 1831; *Texan Archives MSS.*

[2] Butler to McLane, Dec. 23, 1831; H. R. Doc. 351, 25 Cong., 2 sess., 411.

[3] *Ibid.*, 83.

In a private letter to Jackson, however, Butler, while asserting that the probability of acquiring Texas was then better than his most sanguine hopes had allowed him to anticipate, did indirectly refer to the fact of Alaman's resignation.

> "Although that Gentleman," he wrote, "has apparently withdrawn from the Cabinet he still directs the Department of Foreign Affairs *sub rosa* and is in fact as much the Minister as at any period heretofore . . . The amount I am limited for the purchase by my instructions will very probably be in part applied to *facilitate the Negotiation*, in which case we shall provide for that portion of the payment by a secret article." [2]

Alaman, according to Butler's account, listened politely, but said nothing. Even if he had been susceptible to the kind of arguments which Butler evidently expected to employ, the late Minister of Foreign Relations could do nothing. He was no longer in office, and the growing strength of Santa Anna's party was such that even his life was plainly in peril. On August 19, 1832, Francisco Fagoaga was appointed his successor by Bustamante.[3] On December 26, 1832, another minister was appointed by Pedraza, who held only until April, 1833, when Carlos García was appointed Minister of Foreign Relations under the administration of Gómez Farias.

While the domestic affairs of Mexico were in such a position of uncertainty, it is not surprising that Butler could get no intimation as to the views of the successive administrations, and as direct negotiations for the purchase of Texas seemed to be hopeless his thoughts reverted to another mode of dealing with the subject, which was in fact the making of such a mortgage as Ward had outlined in his book some years before. This suggestion was made in a letter to the President early in 1833, and upon the back of the letter Jackson wrote an impatient memorandum which he sent to Livingston, and which was subsequently the subject of adverse comment:

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[1] Butler to Livingston, July 16, 1832; *State Dept. MSS.* The minutes of the conversations are printed in H. R. Doc. 351, 25 Cong., 2 sess., 442–445.

[2] Butler to Jackson, July 18, 1832; *Jackson MSS.* In a previous letter to Jackson, dated June 21, 1832, Butler had expressed himself as confident of success if he could deal with Alaman alone, "for I think I hold the key to unlock his heart and the means of enlightening his understanding."

[3] Bancroft, *History of Mexico*, V, 116.

> "Instruct Col. Butler," Jackson said, "to bring the negotiation to a close. The Convention in Texas meets the 1st of next April to form a constitution for themselves. When this is done, Mexico can never annex it to her jurisdiction again, or control its Legislature or exercise any power over its Territory—it will be useless after this act, to enter into a treaty of boundary with Mexico."[1]

The convention referred to was, of course, the second San Felipe convention which had been called some weeks before to consider not independence, but separate statehood within the Mexican federation. The convention which met on the first of April, 1833, did practically nothing except to affirm the resolutions of the convention of October, 1832, and to send Austin to Mexico to urge the plan for the new state. Jackson's memorandum, therefore, indicated that he was not very accurately informed as to the plans of the Texan leaders. Certainly it entirely failed to show that he knew anything more about the subject than was open to anybody who read the newspapers.

Part of Jackson's information, however, may have been derived from Sam Houston, who had just returned to the United States from a visit to Texas, and wrote, under date of February 13, 1833, from Natchitoches, in Louisiana, that unless Mexico was soon restored to order the province of Texas would remain separate; that Texas had already beaten and repelled all the troops of Mexico from her soil and would not permit them to return; and that it was probable that he (Houston) might make Texas his abiding-place; but, if so, he would "never forget the country of his birth." [1]

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[1] Indorsement on letter of Butler to Jackson, Feb. 10, 1833; *State Dept. MSS.*

In accordance, therefore, with the President's memorandum on Butler's private note of February 10, 1833, the latter was officially instructed to reject any proposal for a loan by the United States, and the instructions continued as follows:

> "The situation of affairs in the State of Texas y Coahuila makes it important that your negotiation on that subject should be brought to a speedy conclusion. It is at least doubtful whether in a few weeks any *stipulation could* be carried into effect. *No new instructions on the subject of the proposed cession* being deemed necessary the President has directed me to refer you to those already given on that subject." [2]

But it was not at all in accordance with Butler's personal notions that the negotiation for Texas should be brought to an end. During the spring and summer he wrote very fully about conditions in Mexican politics, asserting that the Department of Foreign Relations was friendly, prophesying the destruction of the federal system and the success of Santa Anna, who would be made dictator, and explaining that he would talk with Santa Anna himself, as soon as he came to the capital, upon the subject of Texas. On July 26 he complained that he could get no answer to his letters about Texas; but ten days later he wrote that the prospect of acquiring Texas was better than at any period since the late Secretary Alaman left office. His reason for this confidence, as he explained, was because of the discussions then going on in the cabinet of Gómez Farias, in reference to the action to be taken in regard to the petition presented by Austin praying for separate statehood for Texas.

> "The Cabinet," Butler wrote, "are engaged at present in the discussion of a Memoir presented to it by the Citizens of Texas pray-

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[1] Williams, *Sam Houston*, 79-81. As to the withdrawal of the Mexican troops from Texas in 1832, see Chapter IX, above.

[2] Livingston to Butler, March 20, 1833; *State Dept. MSS.* Italics in the original. And see extract from this instruction in H. R. Doc. 42, 25 Cong., 1 sess., 16, and H. R. Doc. 351, 25 Cong., 2 sess., 95.

> ing to be permitted to form themselves into an independent State and my informant tells me that the Cabinet have made three questions:
>
> "1. Shall the prayer of the Memorialists be granted and they admitted to form an independent State?
>
> "2. Shall we attempt to reduce them to order by military force?
>
> "3. Or shall we give up the territory and cede it to the United States?
>
> "The first question it is said by my informant has been decided in the Negative, the others continue under discussion."[1]

Nothing having come of these discussions that was at all favorable, Butler lightly turned to thoughts of bribery on a large scale, accompanied by violence. In September, 1833, he drafted a letter to the President in which he expressed a doubt whether anything could be done "with the present Men in power"; that his principal hope now rested on Zavala, to whom he had offered two hundred thousand dollars if he could bring about a cession of Texas; and that it was probable he should employ from four to six hundred thousand dollars "of the sum to which you have limited me, in purchasing Men, and the remainder in purchasing the country."[2]

Whether the foregoing letter was sent is perhaps doubtful, as no such letter is among Jackson's papers in the Library of Congress, nor alluded to in any later correspondence; but on the second of October, 1833, he did write a letter which Jackson received, and in which Butler advised the immediate and forcible occupation of the territory lying between the Sabine and the Nueces rivers:

> "When I recollect the advice you gave," said Butler, "and the opinion you expressed to Mr. Monroe in relation to East Florida, a case presenting features nothing like so strong as the present, and with not a tithe of the circumstances to justify the proceeding which we have in the T—— affair, I can not doubt but you will concur with me in the propriety of the movement. . . . The Territory once occupied by any portion of our Troops, and the people of T—— would themselves do the work, they require nothing but our countenance—nothing but an assurance that they would not be rejected

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[1] Butler to McLane, Aug. 5, 1833; *State Dept. MSS.*

[2] Butler to Jackson, Sept. 14, 1833; draft in *Texan Archives MSS.*

by us. There are at present in Mexico two Gentle from T—— bearers of a petition to the Supreme Governmt for permission to assume an Independent State Government and be separated from Coahuila. . . . The application for State Govt. is all humbug. . . . Santa Anna is a vile hypocrite, and most unprincipled man, you can have no hold on his moral principles because he is without any, count therefore on nothing but what we may be prepared to enforce."

On October 28, 1833, Butler again wrote a private letter to the President relating what he called a "very singular conversation" with "one of the most shrewd and intelligent men of the country" who held a high official station and had much influence with Santa Anna, the substance of which was that the question of the boundary could be arranged if two or three hundred thousand dollars were paid to a very important man, and that it would be necessary to distribute three or four hundred thousand more among other persons. "You will be at no loss to imagine," Butler added, "who the important Individual was, which he considered it *all important to gain over*."

Jackson answered more in sorrow than in anger. He was astonished, he wrote, that Butler should have intrusted such a letter to the mail without its being in cipher, and astonished that he should have replied to a suggestion of bribery by a statement that the money should be forthcoming. Nothing, said Jackson, had been further from his intention than to convey the idea that money might be used for purposes of bribery. The United States had nothing to do with the distribution of the purchase-price among persons who held uncompleted grants of land, if any payments to such grantees were necessary in order to give the United States an unencumbered title; "but I admonish you to give *these shrewd fellows* no room to *charge* you with any tampering with their officers to obtain the cession thro corruption." [1]

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[1] Butler to Jackson, Oct. 2, 1833, Oct. 28, 1833; Jackson to Butler, Nov. 27, 1833; all in *Jackson MSS.*, Library of Congress. A draft of a reply from Butler to Jackson's letter of Nov. 27 is in the *Texan Archives MSS*. In this draft Butler explains that he thought he was justified, under some former letters from the President, "in conciliating, or corrupting if you please, influential individuals to aid me in the object to be completed and without which, I saw that a successful negotiation for T—— was out of the question."

A few weeks' reflection seems to have satisfied the President that Butler's activities had better be brought to a close; though tenderness to an old friend induced him to arrange matters so that Butler could leave Mexico with some appearance of dignity. The Secretary of State, therefore, instructed Butler that as the time had passed for the meeting of commissioners to mark the boundary line under the treaty of 1819, an additional article must be agreed to before the treaty could be carried into effect; and that it was the President's wish that as soon as this additional article was ratified by the Mexican government, Butler should take leave and return home bringing the document with him.[1]

Butler did not receive these instructions, or at least he said he did not, until the month of June. He had in the meantime written a private letter to the President on March 7, 1834, again urging that the United States take forcible possession of the territory between the Sabine and Neches rivers.

> "If you will withdraw me from this place," said Butler, "and make the movement to possess that part of Texas which is ours, placing me at the head of the country that is to be occupied, I will pledge my head that we shall have all we desire in less than six months without a blow and for the price we are willing to pay for it."

Upon this letter Jackson indorsed the following characteristic memorandum:

> "A. Butler. What a scamp. Carefully read. The Secretary of State will reiterate his instructions to ask an extension on the Treaty for running boundary line, and then recal him or if he has received his former instructions and the Mexican Government has refused, to recal him at once. A. J."

The State Department on June 11, 1834, complied with the President's directions by sending Butler a duplicate of

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[1] McLane to Butler, Jan. 13, 1834; H. R. Doc. 42, 25 Cong., 1 sess., 16. The additional article was not signed until April 5, 1835, and ratifications were not exchanged until April 20, 1836. As to the causes for this delay, see *ibid.*, 38–43, 62–94.

the former instructions directing him to conclude an additional article in reference to running the boundary line and then to take leave and return home. When Butler received these orders, he evidently concluded that his best hope of retaining possession of his office was a personal appeal to the President. He therefore wrote to the Secretary of State explaining that, as the Mexican Congress would not meet until the following January, a ratification of the proposed article might be long delayed, and suggesting that it might be better to permit his return immediately to the United States, for, he said:

> "I am fully persuaded that the public service may derive benefit from an interview either with yourself or the President, at which certain communications may be made and opinions freely exchanged and compared, which it is impracticable to do by any other mode; and after this interview, it may be better determined whether the public interest will be more advanced by my return to Mexico, or by the appointment of a successor." [1]

Forsyth forwarded to the President, who was then in Tennessee, an extract from this despatch, together with a private letter from Butler, and he added:

> "Probably no evil consequence will result from his leaving Mexico *after* he has negotiated the new Convention with Mexico respecting Boundary, etc., and *before* the ratification of it by the authority of the Mexican Congress. Whenever you have decided upon his request, I will hasten to let him know the decision that he may act in conformity to it." [2]

In his private letter to the President, Butler adopted a different tone. He was in doubt, he said, whether it was the President's intention that he should return home on leave, or whether he was recalled on account of some neglect of duty "or the commission of some act unworthy the character and station of a public functionary." He had never wanted to stay in Mexico; his continuance in office had involved great pecuniary "sacrafices"; his only reward had been "a proud consciousness" that his labors had been successful; he wished to know who were his accusers; and he was then and always ready to confront them.[1]

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[1] Butler to McLane, July 1, 1834; H. R. Doc. 42, 25 Cong., 1 sess., 37.

[2] Forsyth to Jackson, Aug. 11, 1834; *Jackson MSS.*

He had previously written to Jackson that he wanted to go home and have an hour's confidential talk, after which he could return to Mexico "prepared to be much more *useful.*"[2] Butler, however, was in no haste for his confidential conversations, and during the rest of the year 1834 he did nothing. Early in the winter of 1835 he began writing more confidentially and mysteriously than ever. On February 26, 1835, he wrote to the President that one stumbling-block only was in the way, "but I pledge myself to you—mark me—I give you my pledge, that your administration shall not close without seeing the object in your possession."[3] Again on March 31, 1835, he wrote that the additional article to the treaty of 1819 was agreed upon and would shortly be signed and that he was convinced the United States would gain jurisdiction over a very valuable tract of country (between the Sabine and the Neches); and that in addition "by the establishment of the true line, a door will be opened to us, through which we may enter for the satisfactory arrangement of a question of much deeper interest to us than the mere marking of a boundary line."[4]

At length, on June 6, 1835, Butler arrived in New York, and on June 9 he reached Washington, where he had several interviews with the President and the Secretary of State. Forsyth was much too wary to let Butler get away without putting his statements in writing, and accordingly on June 17 the latter prepared a paper in which he set out the state of the boundary negotiations. At some length he explained the causes of the delay in reaching any conclusion, and then went on to state that the existing difficulty was explained in a note dated March 21, 1835, from Ignacio Hernandez, whom he described as a Catholic priest inti-

[1] Butler to Jackson, July 2, 1834; *ibid.*

[2] Butler to Jackson, June 6, 1834; *ibid.*

[3] Butler to the President; H. R. Doc. 351, 25 Cong., 2 sess., 555.

[4] Butler to Forsyth, March 31, 1835; H. R. Doc. 256, 24 Cong., 1 sess., 4; H. R. Doc. 351, 25 Cong., 2 sess., 556.

mately acquainted with Santa Anna and confessor to his sister, "and known as the manager of all the secret negotiations of the palace." In this note, evidently written on the eve of Butler's departure from the city of Mexico, the writer said:

> "The negotiation you have so long desired to effect is as I have often told you perfectly within your power, nothing is required but to employ your means properly. Five hundred thousand judiciously applied will conclude the affair and when you think proper to authorise me to enter into the arrangement depend upon my closing it to your satisfaction."[1]

Forsyth hastened to show this precious letter to the President, who returned it to the State Department with the following indorsement:

> "Nothing will be countenanced by the Executive to bring this Government under the remotest imputation of being engaged in corruption or bribery—we have no concern in the application of the consideration to be given; the public functionaries of Mexico may apply it as they may deem proper to extinguish *private claims* and give us the cession clear of all encumbrance except the grants which have been complyed with. June 22—35. A. J."

That Jackson ought to have dismissed Butler from the service at once is, of course, apparent; but his invincible determination to stand by his old friends interfered. Forsyth, we may guess, urged that Butler ought to be superseded, but a middle course was finally decided on. Under date of July 2, 1835, Forsyth wrote to Butler as follows:

> "I have presented for the consideration of the President your letter of the 17th relating to a negotiation with Mexico for Texas. By his directions I have the honor to inform you that no sufficient reason appears upon it for any changes in the instructions that have been heretofore given to you on that subject. With an anxious desire to secure the very desirable alteration in our boundary with Mexico, the President is resolved that no means of even an equivocal character shall be used to accomplish it. It is due to the occasion to say to you also that on the examination of your communications on this subject

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[1] Butler to Forsyth, June 17, 1835; *State Dept. MSS.*

connected with your verbal explanations, no confidence is felt that your negotiation is likely to be successful, but as you entertain a confident belief that you can succeed in a very short time, it is deemed proper to give you this opportunity of benefiting your country by your exertions and of doing honor to yourself. The President however, directs me to say that the negotiations must be brought to a close at once so that the result may be known by the meeting of Congress as provision must be made in case it is successful, for carrying it into execution. You will be expected in the United States as soon as it is closed to report the result, whatever it may be, to the President."[1]

Butler left Washington on the third of July and passed through Texas on his return to Mexico just before the outbreak of the revolution. The patience of the Mexican government at last gave way under this circumstance. Writing to the Mexican chargé d'affaires in Washington on October 21, 1835, the Minister of Foreign Relations said that it was manifest that public opinion was very unfavorable toward Mr. Anthony Butler, "to whom are imputed intrigues unbecoming a diplomatic agent which imputation is strengthened by the present occurrences in Texas, the revolt there having commenced whilst that gentleman was in those parts." And the government of the United States was, therefore, to be requested to recall Mr. Butler in order to avoid the necessity of "tendering him a passport."[2]

Butler, of course, accomplished nothing during the remainder of his stay in Mexico, but he wrote repeated letters to the Secretary of State inquiring whether his time would not be extended beyond the first of December, and urging that his efforts were paralyzed by the uncertainty of his position. His uncertainty must have been greatly increased by the receipt of instructions dated August 6, 1835, in which he was told that, as the port of San Francisco on the western coast of Mexico would be a most desirable place of resort for whaling vessels and far preferable to those to which they had access, the President had directed that an offer be made to Mexico of an additional five hundred thousand dollars if the boundary line could be so varied as to include not only Texas but also the Bay of San Francisco.[1] Why these instructions should have been sent at that time, in view of the recognized hopelessness of any result, is not apparent, unless it was to satisfy Eastern owners of whaling vessels that something was being done in their interest.

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[1] Forsyth to Butler, July 2, 1835; *State Dept. MSS.*

[2] Monasterio to Castillo, Oct. 31, 1835; H. R. Doc. 351, 25 Cong., 2 sess., 719.

Finally, on December 16, 1835, Butler was informed that, as the time for his return to the United States had expired, the nomination of his successor would be sent to the Senate on the following day; and he was further told that the government of Mexico had asked for his recall.[2] On receipt of this Butler was furious. He wrote that the instructions of July 2 had not been received by him until the evening before he left Washington, and were not read until he was nearly in Mexico. Had he known what they contained on the subject of Texas he would have resigned; they were contrary to the President's own words, and contrary in fact to what Forsyth had led him to believe in conversation; "and just at the period," said Butler with extraordinary insolence, "when a favorable moment presented itself to renew the work, I am discharged from office."[3]

To appreciate the full humor of Butler's suggestion that the time was favorable for renewing negotiations to purchase Texas, it must be remembered that the Mexican government had asked for his recall, that they believed him to have been concerned in stirring up the revolution in Texas, and that they were straining every nerve to send an army under Santa Anna to reconquer the country.

Butler lingered on in the city of Mexico for six months after his successor arrived, and finally left after the most absurd series of quarrels with the Minister of Foreign Relations and with the Secretary of War, General Tornel, whom he personally insulted, for all of which the United States government duly expressed regrets. Henceforward Butler disappears from this narrative. He took up his residence

[1] Forsyth to Butler, Aug. 6, 1835; H. R. Doc. 42, 25 Cong., 1 sess., 18.
[2] Forsyth to Butler, Dec. 16, 1835; H. R. Doc. 351, 25 Cong., 2 sess., 158.
[3] Butler to Forsyth, Jan. 15, 1836; *ibid.*, 573.

in Texas, where the remainder of his life was passed in deserved obscurity.

With his retirement, Jackson's efforts to purchase Texas came to a close. They had been conducted in such a manner as to reflect discredit on his administration, both at home and abroad, and with the result of increasing materially Mexican distrust of the intentions of the American government and of adding to the difficulty of preserving amicable relations in the future.

CHAPTER XI

TEXAS IN ARMS

THE meeting of the Mexican Congress in January, 1835, proved to the whole world how completely the reactionary elements were in control. One of the first acts of Congress was to depose Gómez Farias from the office of Vice-President;[1] and as Santa Anna again desired to retire to his hacienda, General Miguel Barragan, a willing tool of Santa Anna's, was elected President *ad interim*.

After a short period of hesitation, Congress, on May 2, 1835, declared that it had been vested "by the Will of the Nation" with the power to make any constitutional changes it might think were for the good of the people, without reference to the methods of amendment prescribed in the Constitution itself;[2] or, in other words, it declared the Constitution of 1824 to be at an end. Later, on September 9, 1835, it reiterated this declaration,[3] and began the detailed task of constitution-making.

The first step was to abolish the state legislatures and to make the governors of the several states entirely dependent on the federal government.[4] And on October 23 an act was passed in which the outlines of a new constitution were adopted.[5]

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[1] Law of Jan. 28, 1835. The form of this singular and obviously unconstitutional statute is as follows: "The general congress declares that *the nation has disowned (desconocido) the authority of Vice-President of the Republic* exercised by Don Valentin Gómes Farias, and he therefore no longer possesses the powers of that office."—(Dublan y Losano, III, 15.)

[2] *Ibid.*, 43.

[3] *Ibid.*, 71.

[4] *Ibid.*, 75.

[5] *Ibid.*, 89. In communicating these decrees officially to the United States government the Mexican legation wrote that the "system of government of the nation has been changed, and is simply republican, representative and popular, instead of federal, as it was before. This change has been effected by the free and spontaneous will of the people, manifested in a legal and pacific manner. . . . Neither the heat of party nor force have, in any way,

By this revised Constitution the powers of the several states were destroyed and the nation became, in form, a strictly centralized republic. The whole legislative power was to be vested in a bicameral Congress, the whole executive power in an elected President, and the whole judicial power in courts to be established by Congress. The national territory was to be divided into departments. Laws and regulations for the administration of justice were to be uniform throughout the republic.

The drafting of the details proceeded very slowly, and it was not until December 29, 1836, that the complete constitutional provisions were finally adopted.[1] On the following day a law was adopted by which Coahuila and Texas were made separate departments.[2]

The success of the Centralist party and their avowed determination to overthrow the federal form of government awakened new resistance in the spring of 1835, especially in Zacatecas and Coahuila; and this served for some months to divert the attention of the government from the ever-present problem of Texas.

The immediate cause of the revolt in Zacatecas was the passage of an act by Congress on March 31, 1835, regulating the militia, and providing that their number should be reduced so that there should only be one militiaman for every five hundred inhabitants.[3] The objects of this law were, of course, to strengthen the position of the regular army as the controlling power in the country, and to weaken the local authorities.

Zacatecas had been for some years extremely prosperous and well governed, and it had a local militia which was considered to be superior to any in Mexico. The people of that state having refused to obey the new law, Santa Anna left his hacienda, and by express leave of Congress, granted

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contributed to this change."—(Castillo to Forsyth, May 13, 1836; H. R. Doc. 351, 25 Cong., 2 sess., 736.) Certainly a very strange assertion, in view of the notorious and undisputed facts.

[1] Dublan y Losano, III, 230-258. A useful summary of the provisions adopted will be found in Bancroft's *History of Mexico*, V, 144.

[2] Dublan y Losano, III, 258.

[3] *Ibid.*, 38.

April 9, 1835,[1] took command of the army and marched with three or four thousand men against the state troops. On the night of May 10, 1835, he routed the Zacatecans in a contest in which his own losses were trivial and those of the rebels enormous; and as the result of this one-sided affair Santa Anna's prestige throughout the country was immensely increased.

The affairs of Coahuila were somewhat more complicated. In the first place, there was the perennial quarrel over the state capital. The governor of the state favored Monclova. General Cos, the federal commander of the military district, favored Saltillo, the inhabitants of which supported the plan of Cuernavaca, or, in other words, supported Santa Anna and the reactionaries. In the second place, the federal government had taken a hand in the disposition of the vacant lands in Texas and elsewhere in the state. The legislature of the state had passed a law on March 26, 1834, by which vacant lands were to be sold at auction, and on April 19 of the same year it passed a second law authorizing the governor to dispose of four hundred leagues of land, nominally for the purpose of restraining Indian depredations.[2] Under these acts it seems that large quantities of public lands were granted to a small number of persons, although the details of these grants are at the present day very uncertain. On March 14, 1835, the legislature passed another law, under which the governor was empowered to dispose of four hundred leagues of public land, in order to meet the existing exigencies of the state ("*para atender á las urgencias públicas en que actualmente se encuentra*"). He was to regulate the colonization of these lands as he saw fit, without reference to the act of March 26, 1834.[3] Finally, on April 7, 1835, the legislature passed a law authorizing the governor to take whatever measures he might think proper "for securing public tranquillity and sustaining the authorities in the free exercise of their functions"; and this vague authority the governor construed as quite sufficient to enable him to grant some hundreds of leagues more to Dr. James Grant, of Parras, in Coahuila, a naturalized Scotchman, who was destined to exercise a very disastrous effect on Texan affairs a year later.[1]

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[1] *Ibid.*, 41.

[2] *Laws and Decrees of Coahuila and Texas*, 247, 270, 272.

[3] *Ibid.*, 281.

For once the people of Texas and the Mexican government were in accord. The former believed that the authorities of Coahuila were alienating all the most valuable lands of Texas at a sacrifice to a set of dishonest speculators, and thereby ruining her future prospects; and they had little doubt that the action of the authorities was the result of bribery. The federal government regarded the action of the legislature as an unwarranted infringement upon its own prerogatives. By an act passed April 25, 1835, the federal Congress declared that the state law of March 14, which was the one that had excited the most opposition both in Texas and at the national capital, was void.[2]

The state also joined Zacatecas in protesting against the law regulating the militia.[3] But what served, probably more than anything else, to embitter the controversy, was a representation to Congress, adopted by the state legislature on April 25, 1835. This representation or protest declared that the state of Coahuila and Texas did not recognize, and would never recognize, the measures emanating from the General Congress, unless they were in conformity with articles 47 to 50 of the Constitution—the articles limiting the powers of the federal Congress—nor would the state ever acknowledge any amendments to the Constitution of 1824 which were not subject to the limitations and adopted by the methods therein contained. In addition, the state protested against the action of the federal officer commanding the eastern internal states (General Cos) for interfering in the most turbulent manner in its internal affairs.[4]

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[1] A detailed account of this mass of legislation and of the action taken under it will be found in an article entitled "Land Speculation as a Cause of the Texas Revolution," by Eugene C. Barker, *Tex. Hist. Quar.*, X, 76–95. All the grants made under the legislation of 1834 and 1835 were subsequently annulled by the victorious Texans.

[2] Dublan y Losano, III, 42. How far Congress was authorised to annul the act of the legislature is an interesting but unimportant question.

[3] *Laws and Decrees of Coahuila and Texas*, 290.

[4] *Ibid.*, 288–290.

Agustin Viesca had been elected governor, and Ramón Músquiz vice-governor, on March 20, 1835,[1] and, the legislature having adjourned at the end of April, the executive officers were left to face, as best they might, the hostile federal officers. General Cos had issued a proclamation from Saltillo threatening to put down the "revolutionists" by force, and it was becoming evident that Monclova was no longer a very safe place of residence for the state authorities. Accordingly, Viesca decided to remove the seat of government to Béxar, and attempted to make his way thither with some members of the state legislature and some of the state officers. They were, however, captured by Cos's troops, but ultimately escaped and made their way to Texas, where Viesca and those who were regarded as responsible for the land laws of 1835 were very coolly received.[2]

The affairs of Coahuila having been thus settled, the Mexican government was free at last to turn its undivided attention to the affairs of Texas. Through all the recent vicissitudes of the nation those in authority had never varied in their determination to take military possession of that province, although since the summer of 1832, a period of three years, they had not exercised, in fact, any control over it whatever.

The subject was, however, quite obviously one of urgent importance. Not only had Mexican officials been attacked and driven from their posts, not only had the military forces of the country been insulted, but the Treasury was being daily despoiled as one cargo after another was landed in Texas without even a pretence of compliance with the customs laws. Whether a policy of concession might have served to restore the authority of the national government is not important to consider. A recent Mexican author contends that if a very moderate tariff had been adopted, with provisions for expending the whole proceeds on internal improvements; if the comparatively few slaves then in

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[1] *Ibid.*, 282.

[2] Viesca's vindication of his actions, which he asserted were patriotic in the extreme, will be found in Filisola, *Guerra de Tejas*, II, 115–125.

Texas had been purchased and manumitted by the government and slavery absolutely abolished; if emigration from the Northern and Eastern United States had been encouraged; if land titles had been promptly and fairly settled; and if all religious intolerance had been done away with, the discontent of the settlers could have been readily appeased.[1] Perhaps so; but no such solution commended itself to the federal government, although Austin spent months in Mexico trying to secure the adoption of some such programme.

If Mexican authority was to be forcibly established in Texas, an efficient and adequate army and navy were evidently the first essential. Unfortunately for itself, the national government was unable to furnish any military force that was either adequate or efficient.

Early in 1833, during Pedraza's short tenure of office, an effort was made to accomplish something with such forces as it could then command; for the government was much disturbed by the reports of the San Felipe convention of October, 1832, and the new convention called for March, 1833. The Mexican Minister of Relations on March 2, 1833, solemnly wrote to the American chargé d'affaires that "our North American colonists of the department of Béxar" intended to secede from the State of Coahuila and unite themselves to the United States; that they were favored and encouraged by the inhabitants of the neighboring North American states; that he hoped the United States government would do what it could to stop this; and that the President of Mexico had issued such orders as were deemed necessary to prevent the dismembering of the national territory.[2] What those orders were has been related in very great detail by the officer charged with their execution, General Vicente Filisola, an Italian by birth, but for many years a resident of Guatemala and of Mexico, who had been appointed early in the year 1833 to command the eastern internal states, Tamaulipas, Nuevo Leon, and Coahuila and Texas.

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[1] Bulnes, *Las Grandes Mentiras de Nuestra Historia*, 255 *et seq.*

[2] Gonzales to Butler, March 2, 1833; H. R. Doc. 351, 25 Cong., 2 sess., 470–471.

Filisola's force consisted of two battalions of regular infantry, a regiment of regular cavalry, and a six-gun battery of horse artillery, besides the local troops, presidial guards, and detachments of various arms which since the abandonment of Texas had been wandering about the neighboring states. These men, for the most part, had been loyal to Bustamante, and they entertained the idea that they had been ordered to Texas as a punishment for taking the wrong side in politics, an idea that seems to have been pretty well founded.[1] Not only were the troops disaffected, but they were utterly incapable of taking the field. The general wrote that the artillery horses were unfit for service, and that the battery had neither carpenter, armorer, wheelwright, smith, nor harness-maker. The two regular infantry battalions numbered, between them, but two hundred and thirty-six men. The cavalry regiment had but a hundred and fifty men, and their horses were utterly useless. The presidial companies were six months in arrears in their pay, and they were badly mounted, worse armed, and in rags. The barracks at Matamoros, the head-quarters of the department, were almost in ruins. There were no hospitals, no medicines, and no surgeons.[2]

In letter after letter Filisola urged the government to send him men, money, arms, ammunition, clothing, supplies, engineers, and surgeons. He had been ordered to reoccupy Texas, and was impressed with the imperative necessity of doing so at once if Texas was to remain a part of the republic; but he was totally unable to do more than establish one weak detachment at the mouth of the Rio Grande and another at Goliad.

To add to his difficulties, Filisola fell ill, the cholera broke out, and the troops became uneasy and desirous to join in the contest for *fueros y religión*. The results of these multiplied difficulties were that the force under Filisola's command was not only mutinous but had no effective organization of any kind. By the end of the year 1834 it had practically ceased to exist.[1] The battery of artillery which Filisola had brought with him had been marched off somewhere else. The men of the other commands had mostly deserted. The presidial companies had been all but disbanded. Men could not be found to pursue highway robbers on the roads near Matamoros. In Texas, where there were no bandits on the roads, the colonists lived "in almost total independence," refused to allow troops and federal employees within their territory, administered justice according to their own fancy and under foreign laws, and not only paid no dues to the Treasury, but filled the interior with smuggled goods.[2]

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[1] Filisola, *Guerra de Téjas*, I, 298.

[2] Filisola to the Secretary of War, May 9, 1833; *ibid.*, 327–340.

The failure of the custom-houses to produce money was a very serious business for the Mexican army, inasmuch as commanding officers considered themselves quite at liberty to take over directly the customs receipts; and if there were no receipts, very often there was no money for the troops. Not only had the Texan custom-houses ceased to exist, but Matamoros and Tampico, which ought to have brought in a great deal of money, as trade was constantly increasing, showed constantly diminishing receipts. This fact Filisola officially reported to be due entirely to the gross and open corruption of the revenue service.[3]

On November 22, 1833, an order was issued relieving Filisola and appointing in his place General Pedro Lemus, who did nothing.[4] In September, 1834, Lemus was succeeded by General Martin Perfecto de Cos, a brother-in-law of Santa Anna. For the time being Cos also was reduced to impotence by the lack of means, but when, after the fall of Zacatecas, he was enabled to adopt a forward policy, his achievements were represented not by a zero but by a negative quantity. He failed in everything he attempted.

His first step was to re-establish a custom-house for Galveston Bay, and he sent for this purpose a small detachment under a certain Captain Antonio Tenorio, who landed about the first of January, 1835, on Galveston Island. About January 31 he removed with his men to Bradburn's old post at Anáhuac, where there were at first two officers and thirty-four men, although in May they received a reinforcement of a lieutenant and nine men.[1] Cos also strengthened to some extent the detachments at Béxar and Goliad, but he entirely underestimated the magnitude of his task. He repeated Terán's blunder of sending a boy to do a man's work.

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[1] "*Las tropas . . . se hallen reducidas á la más completa nulidad.*"—(Report to Secretary of War, Dec. 30, 1833; *ibid.*, I, 470.)

[2] *Ibid.*, 475.

[3] *Ibid.*, 481–484.

[4] He took over the command at Saltillo Jan. 4, 1834.

In a general way Cos was disposed to follow the conduct recommended by Colonel Piedras three years before, namely to conciliate the colonists by fair words and to continue gradually strengthening the military posts until he was in a position to crush out all resistance. In accordance with this policy he addressed in June, 1835, a friendly circular to the people of Texas "full of the paternal views of the government"; but the persons to whom it was addressed were angry and perplexed and not very well disposed to listen to his assurances. The arrest of the governor of the state by the federal authorities, and the well-understood intention of the party in power to adopt a new federal Constitution which would destroy all state rights, had been universally unpopular. So far, all Texas was agreed; but multiplied doubts and difficulties had arisen when the question of a remedy came to be considered.

Meetings had been held at various places, which led to heated discussions, but to no definite results, for in spite of violent antagonisms, threatening even to end in tragedies, the majorities were conservative.[2] The most important of these local meetings was announced to be held at San Felipe on June 22, 1835. The day before the meeting, some hot-headed enthusiasts for the Texan cause stopped a government courier, who was bringing Cos's conciliatory circular; but there were also found in his possession private letters, one from Cos and another from Colonel Ugartechea at Béxar, addressed to the commanding officer at Anáhuac, promising such reinforcements as would soon enable him to regulate matters.

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[1] Barker, "Difficulties of a Mexican Revenue Officer in Texas," *Tex. Hist. Quar.*, IV, 190, 192.

[2] *Comp. Hist.*, I, 504; Brown, I, 297–299.

The disclosures of these letters caused great excitement at the San Felipe meeting. Violent language was used and violent proposals were made. One suggestion was that an expedition should be organized and sent across the Rio Grande to rescue Governor Viesca from the federal troops, and to set up the old state government at Béxar; but this plan evidently involved risks and delays. As an alternative it was proposed that Músquiz, the vice-governor, who was then at Béxar and quite ready to act with the American colonists, should be installed as governor in open opposition to the national authorities. But the majority was not yet ready to take any decided step, and so nothing was done.[1]

Nevertheless, a minority was resolved that something should be done; and at a secret meeting they passed resolutions "recommending that, in connection with the general defence of the country against military sway, the troops of Anáhuac should be disarmed and ordered to leave Texas."[2] The irrepressible William B. Travis was authorized to collect men for the purpose. He had been one of Bradburn's seven prisoners in 1832, and he had been invited, as he said, by several of his friends, "who were suffering under the despotic rule of the military," to come and help them.

On June 29, 1835, with about thirty men from San Felipe and Harrisburg, he sailed across Galveston Bay in a sloop on board of which he had mounted a six-pounder gun. Without waiting for an attack, Captain Tenorio evacuated the fort and took to the woods; but next morning he and his forty men came in and surrendered. They agreed to leave Texas immediately and not to serve again against the people of Texas, whereupon twelve muskets were allowed them as a protection against the Indians. The rest of their arms were surrendered, and then the Mexicans and Texans sailed peaceably back across the bay in Travis's sloop, reaching the village of Harrisburg in time to celebrate together the Fourth of July.

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[1] Brown, I, 294; Yoakum, I, 338.

[2] Travis to Henry Smith, July 6, 1835, in *Tex. Hist. Quar.*, II, 24.

A young girl who was present on that occasion wrote years afterward a naïve account of it.

> "The citizens of Harrisburg," she wrote, "had been preparing for a grand ball and barbecue before the trouble at Anahuac. When they heard the Mexicans would be brought there they sent word to the people of the different settlements to attend. . . . The Fourth of July brought out quite a crowd. The Texans and Mexicans arrived in time for the barbecue. . . . The men spent the day talking war and politics. Families from the country camped. Ladies were shopping and visiting and young people were having a good time. . . . Captain Tenorio walked among the people shaking hands with the men and acting as if he was the hero of the occasion. The Mexican soldiers sat and smoked and played cards. . . . The Mexican officers were at the ball. They did not dance country dances. Mr. Kokernot (*sic*) and his wife were Germans. They waltzed, and Captain Tenorio danced with Mrs. Kokernot. She could speak French and Captain Tenorio also was a French scholar, so they danced and talked all the evening." [1]

Captain Tenorio and his men, feasting and dancing, in time got as far as San Felipe where he stayed for seven weeks in the hope that the Mexican commander at Béxar would send him horses and money with which to complete his journey; and he ultimately reached Béxar about September 8, 1835, where, one may suppose, he was certainly not regarded as a hero.[2]

Precisely what was the motive for this silly attack upon the Anáhuac garrison is not quite clear. There had been local difficulties, one man had been shot and wounded by a Mexican soldier, and a Mr. Briscoe had been put in the guard-house; but probably Travis's action was chiefly due to a sort of boyish impulse to show the Mexicans that they could not order Americans about. Certainly to sensible Texans an insult to the Mexican flag just then was the very last thing to be desired. What they must have prayed for was continued peace. No other part of Mexico was so peaceful, so free from crimes of violence, or so prosperous as Texas; and if only a few more such years of growth and plenty could be assured, she would have attained a place where she need fear nothing from Mexican arms.

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[1] Reminiscences of Mrs. Harris, *Tex. Hist. Quar.*, IV, 125.

[2] An excellent account of this whole affair is a paper on the "Difficulties of a Mexican Revenue Officer in Texas," by Eugene C. Barker, *Tex. Hist. Quar.*, IV, 190–202, already referred to. See also "The Old Fort at Anahuac" by Adele B. Looscan, *Tex. Hist. Quar.*, II, 21–28.

General Cos, even before he heard of the Anáhuac affair, had taken the talk of the war party in Texas very seriously. He could not yet bite, but his bark was tolerably ferocious. In a proclamation dated at Matamoros, July 5, 1835, he warned the inhabitants of Texas that if they attempted to disturb the peace from a mistaken zeal for "persons who had acted as State authorities but had been deposed by the determination of the Sovereign General Congress" (meaning Viesca and Músquiz), the inevitable consequences of war would fall on them and their property, so that they would no longer benefit by the advantages afforded by their situation, "which places them outside the oscillations that have agitated the people in the centre of the Republic"; and that the Mexican government would know how to repress with a strong hand those who, forgetting what they owed the nation that had adopted them as sons, went so far as to desire to live according to their own pleasure and without submitting in any way to the laws.

With this threatening proclamation before them and with Captain Tenorio in attendance, a meeting of representatives from the local committees of the neighboring settlements was held at San Felipe July 17, 1835. The members appointed a delegation to wait on General Cos to explain the late disturbances and assure him of the adherence of Texas to the general government; the arms and papers taken from the Mexicans at Anáhuac were ordered to be restored; and resolutions were adopted recommending "moderation, *organization*, and a strict adherence to the laws of the land," protesting against the acts of any set of individuals which were calculated to involve the citizens of Texas in a conflict with the federal authorities, and promising to assist in carrying the revenue laws into effect and in punishing those who had insulted the national flag at Anáhuac.[1]

These resolutions probably represented with accuracy the opinions of a majority, or at any rate a large proportion of the settlers in southwestern Texas, who were most exposed to Mexican attacks; but there, as elsewhere, there was a strong party in favor of driving the Mexican troops out of Béxar. Nevertheless the impolicy of taking any such action without a unanimous Texas behind them, was still manifest even to the most eager of the war party.

> "The truth is," wrote Travis on July 30, 1835, "the people are much divided here. The *peace-party*, as they style themselves, I believe are the strongest, and make much the most noise. Unless we could be united, had we not better be quiet, and settle down for a while? There is now no doubt but that a central government will be established. What will Texas do in that case? . . . I do not know the minds of the people upon the subject; but if they had a bold and determined leader, I am inclined to think they would kick against it. . . . General Cos writes that he wants to be at peace with us; and he appears to be disposed to cajole and soothe us. Ugartachea does the same. . . . God knows what we are to do!"[2]

Texas did "settle down for a while," and all through the rest of the summer of 1835 peace reigned. Nevertheless, the uncertainties of the situation evidently needed to be cleared up by some concerted action of the colonists, and a third conference or convention was a tolerably obvious means to that end. Such a conference was first proposed at a meeting held at San Felipe on July 14, 1835; but similar proposals were made almost simultaneously at other places. The first definite action, however, was taken by the people of Columbia. Through a committee appointed at a meeting held there on August 15, 1835, they issued an address (dated August 20) to the people of Texas, inviting each jurisdiction or municipality to elect five representatives, who should meet at Washington, on the Brazos,[1] on the fifteenth day of the following October "for a consultation of all Texas."

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[1] Yoakum, I, 341; Edward, 239-245.

[2] Yoakum, I, 343. Edward Gritten, an English-born settler, who was on friendly terms with the Mexican authorities, wrote to Colonel Ugartechea half a dozen long letters between July 5 and 17, giving an account of affairs. He represents the great majority of the Texans as peaceable, law-abiding Mexican citizens, but says that the introduction of a large body of soldiers into Texas would unite all parties against the government. See *Publications of the Southern Hist. Assn.*, VIII, 345-456; *Tex. Hist. Quar.*, XIII, 150. Gritten had been a grocer in the city of Mexico, and was there involved in a lawsuit with Anthony Butler, the American chargé d'affaires.—(H. R. Doc. 351, 25 Cong., 2 sess., 110.)

Although the word *convention*, which had so vexed the Mexican authorities, was not used, and all that was proposed was a meeting for *consultation*, there was at first much doubt as to the wisdom of the proposed conference. Nevertheless, delegates were peaceably chosen, and if the colonists had been let alone, they would certainly have taken no hostile step until the consultation had been held. But the Mexican authorities, long before they had been adequately reinforced, were imprudent enough to provoke an armed conflict. They began (under orders from the capital) by demanding the surrender of six men whom they ought to have known that no self-respecting people would ever give up to certain death. The first of these was Lorenzo de Zavala.

Zavala was a native of Yucatan, and in his time had played many parts in the drama of Mexican history. When very young he had been kept a prisoner for three years by the Spaniards on account of his revolutionary tendencies; and after his release became for a time a deputy to the Spanish Cortes. He then travelled in England and the United States, and on his return to his native country held high office. As President of the constituent Congress in 1824, his name was the first subscribed to the federal Constitution. He became later one of the founders of the Yorkino party and an intimate friend of Poinsett's. At the time of the troubles in 1828 he was governor of the state of Mexico, and he was made Secretary of the Treasury in Guerrero's cabinet. He was necessarily in the background during Bustamante's rule, but in 1833, under Gómez Farias, he presided over the Chamber of Deputies, and then served for a short time as Mexican minister to France.

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[1] Washington was a new settlement, and there was a good deal of opposition to its selection. See *Tex. Hist. Quar.*, X, 96, 150.

In the spring or summer of 1835 he quarrelled with Santa Anna, and sought refuge in Texas, where for several years he had had pecuniary interests. It is known that in the year 1829 he had secured an empresario contract from the state of Coahuila and Texas, authorizing him to settle three hundred families in northeastern Texas, which contract he assigned to the Galveston Bay and Texas Land Company of New York;[1] and he seems to have had other lands also on the San Jacinto River.

Butler, the American chargé d'affaires in Mexico, said in 1831 that it was then a matter of common knowledge in Mexico that Zavala had declared he would revolutionize Texas,[2] and two years later, in drafting a private letter to President Jackson, Butler wrote that Zavala was poor and a prodigal, and that he was purchasable;[3] but Butler's word was not to be taken against anybody. Among the Texans Zavala was always regarded as a man of high character, as well as of great ability and experience. Tornel, who was bitterly opposed to Zavala after the latter quarrelled with Santa Anna, described him as a man of great talents and great versatility, with a character so singularly compounded of good and evil that it was difficult to understand how his successive acts could have proceeded from one and the same individual.[4] It seems, on the whole, quite true that with all his talents he was "everything by starts, and nothing long"; and this would doubtless account for the very various estimation in which he was held by different people. What is important for present purposes is that Zavala was a firm friend to Austin, and that he had tried to help him in October, 1834, while in Mexico.[5]

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[1] The origin and history of this rather dubious corporation is set out very fully in the report of *Rose v. The Governor*, etc., 24 Tex. Rep., 496.

[2] H. R. Doc. 351, 25 Cong., 2 sess., 382. Zavala came to the United States in the autumn of 1830, with a letter of introduction from Butler dated May 24, 1830; *State Dept. MSS.*

[3] Butler to Jackson, Sept. 14, 1833; *Texan Archives MSS.*

[4] Tornel, *Breve Reseña*, 43–46.

[5] Yoakum, I, 325.

On August 1, 1835, Tornel, the Minister of War, sent orders to General Cos to arrest Zavala, and also the five men who were regarded as the most active agents in driving out Tenorio and his men from the post at Anáhuac. Cos was particularly required to exert all his "ingenuity and activity in arranging energetic plans for success in the apprehension of Don Lorenzo Zavala," who, when captured, was to be placed "at the disposition of the supreme government."[1]

Cos could think of nothing more ingenious or energetic than to write a letter from Matamoros addressed to Colonel Ugartechea at Béxar, directing him to march "at the head of all his cavalry" and arrest Zavala in case the local authorities did not give him up. Ugartechea had commanded the fort at Velasco in 1832 and knew the Texans, and when he got Cos's letter he contented himself with writing to Wylie Martin, the American jefe político of the Brazos district, asking him for the surrender of the six men who were wanted.[2] Martin of course first temporized and then wrote that the men had left, and Ugartechea seems to have contented himself with this assurance. At any rate, he did not stir from Béxar.

But the news of the demand for the surrender of the six men had spread. Addresses and speeches, especially from those parts of Texas which were furthest from Mexican vengeance, warned the people that the Mexican garrisons were being reinforced; that the overthrow of the federal Constitution had been decided on; that the authority of Congress had been declared to be unlimited; that all who had come into Texas since April 6, 1830, were to be expelled; that those who had resisted Mexican soldiers were to be tried by court-martial; and that the slaves were to be freed. In a manner of speaking this was in fact the official Mexican programme, and the crude statement of such a policy was very well calculated to arouse the most hesitating among the settlers and to put fresh zeal into the hearts of the warlike.

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[1] Tornel to Cos, quoted in Yoakum, I, 347.

[2] Eight men were later demanded, and two of them, Mexicans named Carvajal and Zambrano, were taken by the Mexicans and sent into the interior.—(Yoakum, I, 360.)

By the end of August Travis, who was an active leader of the war party, was able to write exultingly that the orders of arrest issued by Cos and Ugartechea had proved too much for the people to bear, that the "Tories and submission men" were routed, and the people had become "almost completely united." The Mexicans, he heard, were coming to garrison San Felipe and other towns, but the people would not submit to that—"we shall give them hell if they come here." [1]

At the same time J. W. Fannin, a native of Georgia, who was eager in the same cause, was writing from Velasco to a friend in the United States army to urge him to resign and come to command the Texans. "The time is near at hand," he wrote, "nay has arrived, when we have to look around us and prepare, with our limited resources, for *fight*." [2]

A further source of trouble arose from the efforts of the Mexican government to control the contraband trade by means of a revenue-cutter stationed off Velasco. The vessel employed was the *Correo de México*, schooner, commanded by Captain Thomas M. Thompson, an Englishman by birth. Through the months of July and August she cruised up and down the coast and succeeded in capturing one American brig; but by the end of August the colonists and the American traders were ready for her.

On the first day of September, 1835, the American schooner *San Felipe*, inward bound from New Orleans, and having among her passengers Stephen F. Austin, fell in with the *Correo* off the mouth of the Brazos River. After a fight some miles offshore, which lasted for three-quarters of an hour, the *Correo* drew off. The *San Felipe* entered the river and landed her passengers, but the next morning the *Correo*, being becalmed about six miles off, the *San Felipe* came out in tow of a river steam-boat, whereupon the *Correo*, having had fighting enough the day before, surrendered.

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[1] Travis to Andrew Briscoe, Aug. 31, 1835; *Tex. Hist. Quar.*, II, 25.

[2] Fannin to Colonel Belton, Aug. 27, 1835; *Tex. Hist. Quar.*, VII, 318.

Thompson and his crew were carried off to New Orleans and handed over to the federal authorities upon a charge of piracy committed against an American vessel on the high seas. As they could show no commission from the Mexican government, they were indicted and Thompson was tried; but the jury disagreeing, he was discharged.[1] The Mexican government asserted, through diplomatic channels, that the *Correo* was a regularly commissioned *guarda costa;* and although the regularity of the commission may have been questionable, the fact itself and the responsibility of the Mexican government for her acts seem to have been clear.[2]

This sea-fight, of which he had thus been a witness, produced a deep impression on Austin's mind. Of a naturally timid and hesitating disposition, disliking disturbances and extra-legal measures, with a sanguine belief in the power of reason and good temper to settle differences, he was better fitted to follow than to lead in a revolution. He was not of the temper to ride the whirlwind or direct the storm.

All that night, as we are told by his nephew, he "walked the beach, his mind oppressed with the gravity of the situation, forecasting the troubles ahead to Texas."[3] He had returned home, after more than two years' absence, full of hope and bringing messages from Santa Anna and "the most intelligent and influential men in Mexico," to the effect that they were the friends of Texas, that they wished for and would do everything to promote her prosperity, and that special provision would be made for her people in the new Constitution. He found the country "in anarchy, threatened with hostilities, armed vessels capturing everything they can catch on the coast."[4]

A week later, in a speech at a large public meeting at

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[1] A report of the trial by John Winthrop was printed and published at New Orleans in 1835.

[2] Thompson's activities had been the cause of complaints before 1835. In 1829 he seized an American schooner off Matagorda, and in 1832 he stopped vessels off Tabasco and was accused of robbing them. See H. R. Doc. 351, 25 Cong., 2 sess., 304, 305, 448, 450. The correspondence relative to his arrest and trial will be found at pp. 706–713, 720–724 of the same volume; where an account of the fight by a Mexican officer is given (712–713).

[3] Guy M. Bryan, in *Comp. Hist.*, I, 500.

[4] *Ibid.*, 503.

Brazoria, Austin gave a detailed account of affairs in Mexico, and of his conversations with Santa Anna and others. He had warned them, he said, that the sending of any armed force to Texas would be war, and his advice had been disregarded. What, then, was to be done? Texas needed peace and a local government. Its inhabitants were farmers and needed a calm and quiet life. But their rights and property were in jeopardy and some remedy must be found, and that without delay. The remedy, to his mind, was plain. All divisions, or excitements, or passion, or violence must be banished, and the general consultation of the people of Texas must decide what was to be done.[1] The "general consultation" had already been summoned, as we have seen, to meet on the fifteenth of October.

Rumors that Cos was actually coming to Texas in person and bringing reinforcements with him had, however, reached San Felipe even before Austin's return home, and it seemed probable that peace could not long be preserved. On September 19 Austin wrote to a friend that Cos's "final answer" had been received, that he had positively declared that the persons whose surrender had been demanded must be given up, and that the people of Texas must unconditionally submit to any alterations which Congress might see fit to make in the federal Constitution.[2] Two days earlier, a committee of safety, which had been formed at San Felipe, and of which Austin was chairman, had issued an address warning the people that war was their "only resource," and advising that volunteer companies be immediately formed;[3] and the same spirit rapidly became manifest throughout Texas.[4]

Cos, as a matter of fact, had left Matamoros on September 17, and he reached Goliad on October 2, 1835. On his arrival he was met by news of very serious import.

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[1] What purports to be the text of this speech will be found in Foote, II, 60-65; Yoakum, I, 357.

[2] Austin to Grayson, Sept. 19, 1835, in Brown, I, 345.

[3] Yoakum, I, 361.

[4] At about this time the old central committee, appointed by the convention of October, 1832, and continued by the convention of April, 1833, was revived and reorganised. It sat at San Felipe and controlled affairs for six weeks, until the meeting of the consultation.—(E. W. Winkler, in *Tex. Hist. Quar.*, X, 142.)

The little settlement of Gonzales, on the east (left) bank of the Guadalupe River, and sixty-four miles east of Béxar in a straight line, was in possession of an unmounted six-pounder brass gun, which had been either given or lent to the inhabitants four years previously by the Mexican commander at Béxar, for use against Indian attacks. In September, 1835, it seems to have occurred to Colonel Ugartechea at Béxar as a happy thought that it would be a wise measure of precaution to take the gun back, and he thereupon sent a corporal and four men with a cart to get it. After some delay the alcalde of Gonzales, Andrew Ponton, wrote, declining—on various grounds—to comply with Ugartechea's request. This letter, it would appear, the Mexican corporal sent back by one of his men, remaining himself near Gonzales with the other three. At the same time, the settlers buried the gun, sent their women and children away, and despatched messengers to various points for help.

On receipt of the alcalde's letter, Ugartechea did too late what he should have done at first. He sent eighty men under a lieutenant, Don Francisco Castañeda, to get the gun, bring off the corporal and his three men, and chastise those who had been guilty of such a piece of insolence.[1] Castañeda reached the Guadalupe River in front of Gonzales on Tuesday, September 29, 1835, and then learned that the corporal and his men had been disarmed and taken into town as prisoners; and he also found that all the boats had been taken across to the east bank of the river. There were at this time only eighteen armed men in Gonzales, and Castañeda could probably have forded the stream in spite of these few villagers and taken the place, if only he had acted at once. Instead, he wasted time in parleying, and then he learned that the Texans were being rapidly reinforced. His orders from Ugartechea were that, if he was certain the opposing forces were superior to his, he was to retire, so as not to compromise the national honor, and he therefore determined to fall back.

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[1] Filisola, *Guerra de Téjas*, II, 145.

His information in regard to reinforcements was correct. The news of the threatened attack on Gonzales had spread fast all over the country, and long before Castañeda had reached the Guadalupe, volunteers from the neighboring settlements were on the march. From all along the banks of the Colorado and the Brazos more or less organized bodies of men took their way to Gonzales, precisely as sixty years before the men of Acton and Chelmsford and Littleton and Carlisle had marched to Concord when they learned that a force was coming to seize arms and ammunition. By Thursday, the first of October, the Texan force had grown to over a hundred and sixty men, of whom fifty were mounted. Their first act, being native Americans, was to organize by electing a colonel and lieutenant-colonel. Their next was to cross the river at about seven in the evening in pursuit of the Mexicans, who were now slowly falling back. Early the next morning the Texans came up with the Mexicans, "in a commanding position on a slight eminence," and after a short encounter the latter scattered and fled. One Mexican was killed and one Texan was slightly wounded. There were no other casualties.[1]

On the same day as this skirmish General Cos reached Goliad, where he received news of the unexpected resistance of the colonists; and on Monday, the fifth of October, he left for Béxar, about ninety miles away, where he arrived on Friday, the ninth.

Goliad, Gonzales, and Béxar formed approximately a right-angled triangle, Goliad lying nearly due south of Gonzales and sixty miles from it, and about southeast of

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[1] The best and most detailed account of this affair will be found in *Tex. Hist. Quar.*, VIII, 149–156, by Ethel Zivley Rather. Amusing reminiscences by an anonymous eye-witness, written thirty years after the event, will be found in Baker's *Texas Scrap-Book*, 83–86. The writer says that as soon as the settlers felt strong enough they drew the cannon out in plain sight of the Mexicans and put a sign up over it in large letters, COME AND TAKE IT! When the Mexicans fell back, the decision to pursue them was based on the extraordinary reason that, as the volunteers had spent their own money and time in coming to Gonzales, "it was too much to bear" to go home without a fight.

Béxar. Some forty miles from Goliad was the port of Copano, on Copano Bay, which was frequently used by light-draught vessels entering through Aransas Pass, and which could readily have served as a means of communication by sea from Matamoros and other Mexican ports. In fact, military supplies in considerable amounts had already been sent to Goliad and were stored in what was called a fort, but was in reality an abandoned mission, with the usual stone church and extensive mission buildings.

From every point of view Goliad was a point of strategic importance for the Mexicans. It was within easy reach of the sea. By land, it was considerably nearer than Béxar to the important points of Matamoros and Mier, on the Rio Grande. It was also nearer than Béxar to San Felipe and all the other centres of American colonization. In any extensive military operations that might be undertaken by the Mexicans Goliad would have been the natural base of operations; and it is a measure of General Cos's incapacity that he left this important post under the guard of less than thirty men.

Late at night on Friday, the ninth of October, a small party of colonists, acting apparently on their own initiative, "rushed" the mission-fort and captured the entire garrison. One Mexican soldier killed and three wounded, and one Texan slightly wounded, made up the list of casualties. Twenty-five prisoners, including Colonel Sandoval, the commanding officer, large quantities of military supplies, several pieces of artillery, and three hundred muskets were the material prizes.[1] More important still were the indirect results of the capture, for Béxar was practically cut off from communication with Mexico.

When the news of Castañeda's repulse at Gonzales reached San Felipe, even the most peaceable among the Texans were ready to admit that a conflict had begun which could not be avoided and which must be vigorously carried forward.

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[1] Yoakum, I, 369. Filisola says the attack was made at about 1 A. M. on Saturday, the tenth of October, and that the Mexicans made a vigorous resistance for an hour, losing three killed and several wounded.—(*Guerra de Téjas*, II, 153. See also Baker, *Texas Scrap-Book*, 260.)

"One spirit, one common purpose," declared the Committee of Safety, "animates every one in this Department, which is to take Bejar and drive all the military out of Texas before the campaign closes";[1] to such a pitch had the most conservative of the colonists been raised by the events of the previous weeks. Austin himself, almost immediately after the receipt of the news, started for the scene of action; and by the middle of the day on Thursday, the eighth of October, he had reached Gonzales, and was immediately selected by common consent to be the commander of the motley army which had already assembled.[2]

The enthusiasts who were proposing with so light a heart to march on Béxar and drive all the Mexicans out of Texas were very far indeed from constituting a real military force. They knew nothing of discipline or obedience. They had not enlisted under any definite agreement or for any fixed term of service. They had elected their officers from their own ranks, and they could see no reason for treating them after election on any different terms from those they had used before. The men considered that they had a perfect right to come and go as they pleased, and that orders which they deemed unwise need not be obeyed. And yet they were not wholly without experience of a kind of warfare, for many among them had fought the extremely formidable Indian bands of the interior. A protracted campaign was, however, something of which they were wholly ignorant.

Nor was Austin the man to create an army. He had never had experience as a soldier, and he seems to have had no conception of the importance of discipline. He lacked the firmness and vigorous self-reliance which were essential for the task before him, and he was, very likely, only too conscious of his own shortcomings. Nevertheless he was, as always, honestly desirous of doing his best to serve the cause of the country he had created.

Having evolved some sort of organization, Austin and his army set out from Gonzales on Monday, the twelfth of October, but they marched so slowly that it was not until Tuesday, the nineteenth, that they reached the Salado Creek, close to Béxar. Here they remained for over a week, pushing forward small parties to reconnoitre the town. General Cos, though his force was probably at first numerically superior, did not attack them, and after a few days the disparity was greatly diminished, if not overcome, through the steady arrival of Texan reinforcements. By the end of the month Austin was in command of perhaps seven hundred men.

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[1] Foote, II, 84.

[2] The rivalries of local celebrities, each anxious to be elected commander-in-chief, had threatened to disrupt the Texan forces before Austin's arrival.—(*Tex. Hist. Quar.*, VIII, 157; Baker, 89–91.)

While encamped on the Salado the troops were visited by a number of the men who had been elected to the "consultation" which had been summoned to meet on October 16, but had been postponed. The soldiers, we are told, "demanded speeches from those who were regarded as orators, and were successively gratified by eloquent and patriotic addresses from Messrs. Houston, Archer, the two Whartons, William H. Jack, the old-time Baptist preacher Daniel Parker, and perhaps others." Having indulged in this characteristic pastime, the troops next held a mass-meeting and passed resolutions demanding that the orators go back to San Felipe and attend to business.[1] And then, on Tuesday, October 27, the legislators having departed, the Texan army moved to a new camp on the San Antonio River.

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[1] Brown, I, 367; Yoakum, I, 370–372. Yoakum says that Austin at this time offered to resign his command in favor of Houston; but there seems to be little or no foundation for the story.—(*Comp. Hist.*, I, 185.)

CHAPTER XII

TEXAS STANDS BY THE CONSTITUTION

THE proposal for a general consultation of all Texas had been made in August, 1835, and the expectation was that the delegates would meet on the fifteenth of October; but there was some confusion as to the place of meeting. The call issued by the inhabitants of Columbia had suggested Washington, on the Brazos. The people of San Felipe desired it to be held in their own village. However, the gathering of the Texan army at Gonzales interfered with any assembling of the delegates at the appointed date, inasmuch as many of them were in Austin's command; but ultimately the consultation convened at San Felipe, and by Thursday, November 5, all parts of Texas were represented.[1]

The need of some recognized central authority was evidently great. Except for the ineffectual and generally nominal state government at Saltillo or Monclova, all legal authority had long resided with the several ayuntamientos; and if Texas was to attain any permanent results in the contest in which she was now embarked a working organization of some kind was a necessity. The most important business of the consultation was obviously to supply this need.

The consultation organized by electing Branch T. Archer, of Brazoria, as their president. Archer, like many of the better-educated men in Texas, was a physician. He was born in Virginia, had been speaker of the House of Delegates of that commonwealth, and had come to Texas in 1831.

The first question for the consultation to decide was whether they should proclaim the independence of Texas, or whether they should still hold themselves out as contending solely for the maintenance of the federal Constitution of 1824. A large proportion of the members of the consultation believed that independence sooner or later was inevitable; but a majority believed it inexpedient to take the step at once. They considered that they were not empowered to do so; that separation from Mexico was not in the contemplation of those who elected them; that a premature declaration of independence might alienate public opinion in the United States; and that a declaration in favor of the Constitution of 1824 "would neutralize the prejudices or enlist the sympathies and assistance of the Federal party of the interior."[1]

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[1] See *Tex. Hist. Quar.*, X, 142-146, for an account of the doubts and difficulties as to the place of meeting.

Whether this attitude truly represented the wishes of the people of Texas is perhaps doubtful; although Austin, who was at first unfavorable to a declaration of independence, wrote, after the consultation adjourned:

> "The majority of Texas, so far as an opinion can be formed from the acts of the people at their primary meetings, was decidedly in favor of declaring in positive, clear, and unequivocal terms for the federal constitution of 1824, and for the organization of a local government, either as a state of the Mexican confederation or provisionally until the authorities of the state of Coahuila and Texas could be restored. . . . Some individuals were also in favor of independence, though no public meetings whose proceedings I have seen expressed such an idea."[2]

It is perhaps not very important whether the people of Texas acted upon mere grounds of temporary expediency or whether they were really loyal to Mexico and believed that a continuance of their Mexican connection was right and desirable in the long run. They were all agreed, at any rate, that local self-government must be secured, and they all acted more or less consciously upon the belief that if they stood for the Constitution of 1824 they would find sympathy and support from the Mexicans themselves. As a matter of fact, however, the existence of a "Federal party of the interior" which had either the wish or the power to help Texas, was a mischievous delusion. There was no Federal party then in existence in any part of Mexico except Texas, for Santa Anna had by this time very effectually silenced it. And even if there had been, the universal feeling in Mexico was opposed to permitting Texas to set up as an autonomous state, even within the Mexican union. If the opponents of Santa Anna could have made use of Texas to overthrow his government, they would doubtless have been glad to do so; but no government could have existed in Mexico at that time which failed to insist on the supremacy of the church and the army in every part of the republic. The ideals of the inhabitants of Mexico and the inhabitants of Texas and their conceptions of civil and religious freedom, of law and of justice, were as different as the widely divergent races from which they sprang, and a complete or permanent union was impossible without such concessions and such a surrender of ideals as neither party was ready to make.

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[1] William H. Wharton to Archer, Nov. 29, 1835; Brown, I, 428.

[2] Austin to Barrett, Dec. 3, 1835; *Comp. Hist.*, I, 566. And see Barker's "Stephen F. Austin and the Independence of Texas," *Tex. Hist. Quar.*, XIII, 280, 284.

However, the views of those members of the Texas consultation who opposed independence prevailed. On November 7, 1835, a unanimous declaration was adopted setting forth that the people of Texas had taken up arms in defence of their rights and liberties, which were "threatened by encroachments of military despots," and in defence of "the republican principles of the federal Constitution of 1824." The right of "the present authorities of the nominal Mexican Republic" to govern within the limits of Texas was denied; the right of Texas, under the circumstances, to withdraw from the Mexican union, to establish an independent government, or to adopt such other measures as she might deem best calculated to secure her rights and liberties, was asserted; and it was declared that the people of Texas would continue faithful to Mexico, so long as that nation was governed by the Constitution of 1824.[1]

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[1] The full text of this declaration is in *Tex. Hist. Quar.*, XIII, 156. And see Eugene C. Barker's "The Texan Declaration of Causes for Taking Up Arms against Mexico," *ibid.*, XV, 173–185.

The next and most vital step was the creation of a provisional government. By a resolution unanimously adopted on November 11 a governor, lieutenant-governor, and council were created. The council was to consist of one representative from each municipality. The members were to "advise and assist the governor in the discharge of his functions," and to pass such laws "as in their opinion the emergency of the country requires, ever keeping in view the army in the field." The governor was to be "clothed with full and ample executive powers," and was to be commander-in-chief of the army and navy. The lieutenant-governor was to preside over the council, and perform the duties of the governor in case of the death, absence, or other inability of the latter. Provisional courts were to be created, which were to administer the common law of England in all criminal cases and to grant writs of habeas corpus. In general, the civil code and code of practice of Louisiana were to be followed, but all trials were to be by jury.[1]

The consultation also adopted what were called "provisions for an army and military defence." There was to be a regular army composed of eleven hundred and twenty men enlisted for two years, and an indefinite number of volunteers. A major-general, chosen by the consultation, was to be "commander-in-chief of all the forces called into public service during the war," who was, however, to be "subject to the orders of the governor and council." [2]

The consultation next proceeded to elect the officers of the provisional government. Henry Smith, of Brazoria, received thirty-one votes for the office of governor, as against twenty-two cast for Austin, and Smith was accordingly declared duly elected. For lieutenant-governor James W. Robinson, of Nacogdoches, was unanimously chosen; Sam Houston, also of Nacogdoches, was unanimously elected commander-in-chief. Branch T. Archer (the chairman of the consultation), Stephen F. Austin, and William H. Wharton (then Austin's adjutant-general in front of Béxar) were appointed agents to the United States. Resolutions were adopted which were intended to propitiate the powerful Cherokee Indians in northeastern Texas.[1] By another resolution adopted just before final adjournment the governor and council were empowered to reassemble the consultation at any time before the following March, or "to cause a new election *in toto* for delegates to the convention of the first of March next"; and then, on November 14, 1835, the consultation adjourned.

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[1] Text in Brown, I, 388–394.

[2] The full text is in *Journals of the Consultation Held at San Felipe de Austin, October* 16, 1835 (Houston, 1838). Brown, I, 394, gives only extracts.

Neither the governor nor the lieutenant-governor was in any way conspicuous. Smith was a native of Kentucky, Robinson was from Ohio. Both of them in later years emigrated to California, and both died there. Of the two Smith was the stronger man. At the time of his election as governor he was the jefe político of the department of the Brazos and was known as an earnest advocate of an immediate declaration of independence. His majority over Austin may perhaps be fairly regarded as giving a measure of the true feeling of the delegates on this subject.

But if the governor and lieutenant-governor were inconspicuous, the commander-in-chief made up for their defects, for conspicuousness was Houston's most striking characteristic. He was always an interesting and vigorous personality, full of gross faults and with some great merits. Wherever he went he attracted attention, for not only was he a perfect giant, tall and with an immense frame, but he had always, especially when the worse for liquor, a most stately and solemn demeanor. His eye for dramatic effects was unfailing and he had a life-long passion for picturesque costume.

"He was considerably over the ordinary height," a lady wrote who knew him some years later, "six feet four at least. He had a noble figure and handsome face, but he had forgotten Polonius's advice, 'Costly thy habit as thy purse can buy, but not express'd in fancy.' He rejoiced in a catamount skin waistcoat; it was very long-waisted, and his coat was left ostentatiously open to show it. Another waistcoat, which he alternated with the catamount, was of a glowing scarlet cloth. His manner was very swelling and formal. When he met a lady he took a step forward, then bowed very low, and in a deep voice said, 'Lady, I salute you.' It was an embarrassing kind of thing, for it was performed with the several motions of a fencing lesson." [1]

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[1] *Journals of the Consultation*, etc., 51–52.

Both of Houston's parents were of that sturdy Scotch-Irish race which played so important a part in the development of the Middle West. They both came of families which had been settled for several generations in Virginia; and it was near Lexington, in Rockbridge County, that Sam Houston was born, on March 2, 1793. When he was about thirteen years old his father died, leaving a remarkably capable widow and nine children. Rockbridge County, it appears, did not afford an adequate theatre for the display of the widow Houston's energies, and soon after her husband's death she moved, with her children, into eastern Tennessee, and settled in Blount County, south of Knoxville, on what was then the edge of the Indian country.

In Tennessee Sam Houston had a little schooling, helped in a country store, and finally ran off and lived for some time with the Cherokee Indians. When he was about eighteen years old he returned to civilization, and for a time taught in a school himself; but when the War of 1812 broke out he enlisted as a private in a Tennessee regiment of volunteers. His regiment never met the British, but under Jackson, in 1814, they took part in a bloody battle with the Creek Indians, when Houston was desperately wounded. After a long convalescence he received a commission in the regular army. By this time the war was over, and after serving as a lieutenant until May 17, 1818, Houston resigned to study law. Five years later he was elected to Congress, and served from 1823 to 1827 as a silent but steady follower of Andrew Jackson, and in 1827 he was elected governor of Tennessee.

For two years he went through the uneventful routine of the governor of a small Western state, and then suddenly, in April, 1829, he resigned his office and without a word went

[1] Mrs. Davis, in *Memoir of Jefferson Davis*, I, 282.

back to barbarism, and resumed his life with his old friends the Cherokees, now transplanted to Arkansas. That his dramatic departure was due to some disagreement with his wife is certain, but the assiduity of his biographers has failed to throw light upon the details of their quarrel.

For nearly four years he lived a restless and useless life, of which little was ever known. For a time he was an Indian trader. In 1830, and again in 1832, he was in Washington, and in the latter year was arrested for an outrageous assault on a member of Congress. He was known to the Indians as the Wanderer, or Big Drunk, or Drunken Sam.

Toward the end of 1832 Houston went to Texas with a commission from Jackson, nominally to confer with the border Indians, but perhaps, in reality, to get for Jackson some authentic information as to the state of affairs. He travelled as far as Béxar, and on his return to Natchitoches, in February, 1833, wrote that Texas was the finest country upon the globe and that he would probably go there to live. He did, in fact, go back there a few weeks later, and was one of the representatives from Nacogdoches at the San Felipe convention in April of the same year, where he served as chairman of the committee to draft the proposed state Constitution. The history of Houston for the next two years is a blank. He does not appear to have been living in Nacogdoches, but whether he had gone back among the Indians it is now impossible to state. However, it seems to be quite certain that he took no part in any of the public movements of those busy months.[1] In October, 1835, he was present at a meeting at San Augustine when a company of volunteers was raised, and a little later he was chosen to command the men of eastern Texas. When he came to San Felipe to attend the consultation his "appearance was anything but decent or respectable, and very much that of the broken-down sot and debauchee,"[1] but from this time forward he lived in the public eye, and lived, on the whole, an exemplary life. His permanent reformation seems to have been largely the work of a very estimable and pious young lady, whom he married in 1840, his first wife having secured a divorce long before.[2]

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[1] "The writer has examined hundreds of letters and public documents, both Texan and Mexican, on the development of the revolution, has collected, with few exceptions, the proceedings of all the public meetings and revolutionary committees, and has found nowhere a single reference to General Houston."—(E. C. Barker in *Amer. Hist. Review*, XII, 803.) In December, 1834, he was found by an English traveller at a small tavern in Washington, Hempstead County, Arkansas. Writing nine or ten years later, this author thought he had discovered signs of a conspiracy against Mexico at this remote spot.—(Featherstonehaugh, *Slave States*, II, 161.) Mrs. Jefferson Davis relates, on rather doubtful authority, that Houston headed a parade of Indian warriors at Fort Gibson, in the spring of 1834.—(*Memoir of Jefferson Davis*, I, 157.)

Late in October, 1835, and during the whole month of November, while the provisional government was coming into existence, as above described, and was endeavoring to create for Texas an efficient organization, the Texan volunteers were slowly and unskilfully trying to capture or drive out the Mexican force which, under General Cos, was holding the town of Béxar. This place, so often mentioned in the early history of Texas, had grown up near the presidio of San Antonio de Béxar and the neighboring mission of San Antonio de Valero, founded in 1718. In 1730 the town, with all the apparatus of ayuntamiento, alcaldes, and *regidores*, was established under the name of San Fernando de Béxar. Its most flourishing days under Spanish rule appear to have been shortly after the middle of the eighteenth century, when the adjacent missions and their Indian settlements were most prosperous.

In 1770 its population was said to have been reduced to eight hundred and sixty persons, owing chiefly to the incessant hostilities of the Indians. A few years later Father Morfi gave a melancholy picture of its dilapidated condition.[3] Pike, who spent some days there in June, 1807, described it as containing perhaps two thousand inhabitants, "most of whom reside in miserable mud-wall houses, covered with thatched grass roofs."[1] Almonte, in 1834, estimated the population of the town and neighboring district at 2,400, all Mexicans and having no negroes.[2]

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[1] Jones, *Republic of Texas*, 12.

[2] The second wife was a Miss Lea, of Marion, Alabama, and is described as being "a lady of good family, force of character, amiability, and considerable literary talent. She was aware of Houston's weaknesses in habits when she married him, and was confident that she could influence him for the better."—(Williams, *Sam Houston*, 248.)

[3] Bancroft, *North Mex. States and Texas*, I, 618, 632, 653.

Béxar itself stood wholly on the western (right) bank of the river San Antonio. Two or three streets running approximately north and south crossed the one principal street, which ran nearly east and west. South of the main street was the military square, Plaza de Armas, while to the eastward of this, and separated from it by the parish church and a few other buildings was a second square, known as the Plaza de las Yslas, or, in later days, the Plaza de la Constitución. The houses facing the squares were generally solid stone structures, one or two stories high, with the usual flat roofs and parapets. All the rest of the town was made up of flimsy adobe huts.

Continuing easterly on the main street, the San Antonio River was crossed by a bridge, and about two hundred yards northeasterly from the bridge was the abandoned mission of San Antonio, better known as the Alamo.[3] In Pike's time this group of buildings served as barracks for the local presidial company. It was probably little changed in 1835, but General Cos had strengthened the walls of the old mission and mounted some small guns, thus making it the citadel of his miniature fortress.[4]

Lower down the San Antonio River there were the remains of four other missions. The nearest was the Purísima Concepción de Acuña, distant about two miles and a half from the town and lying about half a mile east of the river. About two miles farther down was San José de Aguayo, whose solid masonry and delicate sculptures still excite, even in their decay, the wonder and admiration of the visitor, and which justly earned it the reputation of the finest mission in New Spain. Still farther down was San Juan Capistrano, of the same name as a more famous religious house in California; and, finally, about eight miles below Béxar, was San Francisco de la Espada, which even in 1835 was in almost total ruin. The Indian neophytes of all four establishments had long since disappeared.

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[1] *Pike's Travels* (ed. 1895), II, 783.

[2] Filisola, *Guerra de Téjas*, II, 544.

[3] As to the origin of the name Alamo (literally a poplar or cotton-wood tree) see *Tex. Hist. Quar.*, II, 245; III, 67.

[4] Filisola, II, 179–184.

The river near the town was not over sixty feet wide at any point, and was almost everywhere fordable. Irrigation ditches ran down on both sides of it, nearly parallel with its general course, and in the region of the missions the ground was fairly well cultivated.

Austin moved from his camp on Salado Creek to the Espada mission on Tuesday, October 27, and sent forward a party of ninety-two men under the command of James W. Fannin, with orders to select a suitable camp as near Béxar as possible.[1] With Fannin went James W. Bowie, one of Austin's staff, who was doubtless selected for his local knowledge, for Bowie knew Béxar well, having married a daughter of Juan Martin de Veramendi, one of the principal residents of the town.

Close to the Concepción mission a bend of the winding San Antonio leaves on the east bank of the stream a level meadow in the shape of a rough semicircle, several feet below the level of the neighboring prairie. On the land side, the meadow is terminated by a rather steep bank or bluff about eight feet high, which forms the chord of the arc described by the river; and on this well-watered and grassy spot Fannin and his men bivouacked for the night.

Early on Wednesday morning there was a dense fog, but when it dispersed the Texans found themselves confronted by a superior force. They at once cut away the bushes and vines on the face of the bank, and at the steepest places they cut steps in the slope so that they might stand and fire over the top. The opposing force consisted of all General Cos's cavalry with a few infantry and one piece of artillery. Cos had made a reconnoissance in person the previous day, but had returned without meeting the Texans, although he heard from two of the inhabitants that Bowie had crossed the river near Concepción at three o'clock in the afternoon. In consequence, he had directed his cavalry to be ready to start again at daylight, and soon after sunrise they reached the neighborhood and learned that there were a few rebels in the old mission. The commander of the detachment halted and sent back for artillery, whereupon Cos sent him one field-piece, escorted by the small detachment of infantry.

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[1] *Comp. Hist.*, I, 550.

The delay in obtaining this field-piece was what had enabled the Texans to prepare their defence; but finally, at about eight o'clock in the morning, the whole of the Mexican force, numbering some two hundred and eighty men, was formed opposite the right of the Texan position, and advanced slowly. Their one gun was at the same time pushed forward.

This not very vigorous attempt to dislodge the invisible enemy failed. The Texan fire was reported to have been very deliberate (*muy pausado*), and it was at short range. The Mexican field-piece was only fired five times, so deadly was the execution of the Texan rifles. In ten minutes, says the Mexican historian, nearly all the supporting infantry were killed or wounded and the gun was abandoned. The remaining Mexican force retreated in disorder, leaving one officer and twelve men killed and three officers and thirty-two men wounded. The Texan loss was one man killed and three slightly wounded.[1]

By noon on this same day the main body of the Texans had arrived at the Concepción mission, and the question of an immediate attack on Béxar was discussed, but Bowie strongly advised against the attempt, and Austin's own judgment, then and later, was that the position was too strong to be taken without "heavy battering cannon and ammunition."

It had been the expectation of the Texans that Cos would not allow himself to be besieged, and Austin therefore sent forward a flag of truce with a demand of surrender. Cos, however, refused to hold any communication with rebels, and sent word to the bearers of the flag who had been detained by his pickets that if they did not withdraw at once he would have them shot.[1] By this time Austin was convinced that "the fortifications are much stronger than has been supposed," and called a council of war, which decided that it was inexpedient to attempt an assault, and that such positions should be taken up, out of range of the enemy's guns, as would allow offensive operations to be carried on while waiting for "the large cannon."[2] About the first of November, therefore, the Texans encamped on the river half a mile above the plaza, and there for the next five weeks they stayed and accomplished nothing. Their mounted men were kept moving around the town, with a view to intercepting supplies, and there was some skirmishing; but there was nothing like a regular siege. Cos, on his part, was improving the time by building barricades in the streets and throwing up a redoubt on some waste land northwest of the plaza.[3] Guns were also mounted on the roof of the parish church. Neither party attempted any offensive movement.

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[1] Filisola, II, 157-160. Bowie's report to Austin is given in *Comp. Hist.*, I, 550.

The Texans were constantly receiving reinforcements; but, on the other hand, their force was continually being depleted by reason of men quietly leaving the inactive army and returning to their farms. However, on the twenty-first of November, Austin having been strengthened by the arrival of a number of men and a twelve-pounder gun, announced his intention of making an assault on the town at daybreak the next morning; but as soon as his orders were issued he was coolly informed that a majority of the officers and men were opposed to the plan and would not attempt it.

Austin accepted these mutinous reports with extraordinary calmness, and issued a general order announcing that, as "the immediate commanders of the two divisions of the army" had informed him that "a majority of their respective divisions are opposed to the storming of Béjar," and as he had ascertained from other sources that "this majority is very large," the order for an attack was countermanded.

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[1] *Ibid.*, 554.

[2] See Baker, *Texas Scrap-Book*, 646–652.

[3] The barricades were built at the points where the streets came into the plaza. No flanking fire was provided, so that the barricades did not protect each other.—(Filisola, II, 195.)

A military commander whose movements were decided by a vote of his troops was clearly in an impossible position, and it must have been with a feeling of relief that Austin received the news that the provisional government of Texas had appointed him one of three commissioners to secure help from the people of the United States. On November 24 he left the army.

The timid and irresolute policy which had been displayed by the Texans before Béxar was not wholly due to Austin's physical and moral limitations.[1] The whole of his force probably felt convinced that they were not capable of meeting regular soldiers on equal terms, much less when the regulars were fighting in superior force behind fortifications; and in this view most men on the spot concurred. Anson Jones, afterward an important personage in Texas, records a noisy conversation between Doctor Archer and General Houston, the burden of which was abuse and denunciation of Austin for not breaking up the siege of Béxar and retiring east of the Colorado River.[2] Austin's friends believed also that intrigues had been going on to discredit him with his men and with the provisional government, but the evidence to that effect seems to be slight.[3]

As soon as Austin announced his retirement the Texans, according to a cherished custom, elected a new commander.[4] He was Edward Burleson, a native of North Carolina, who had come to Texas in 1831 and settled on the Colorado River.[5]

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[1] Austin's health was so poor at this time that he could hardly leave his tent.—(*Comp. Hist.*, I, 556.)

[2] Jones, 13. And see letter of Houston to Wylie Martin, Nov. 24, 1835, in Brown, I, 407.

[3] *Comp. Hist.*, I, 559.

[4] "We claim, and can never surrender but with life, the right to elect, and elect freely, our immediate commander."—(Resolutions of volunteers at Goliad, Nov. 21, 1835; Brown, I, 377.) The custom of electing officers was then universal in the U. S. In the spring of 1832 the Illinois volunteers assembled for the Black Hawk War elected Abraham Lincoln as their captain. "The method was simple: each candidate stood at some point in the field and the men went over to one or another, according to their several preferences. Three-fourths of the company to which Lincoln belonged ranged themselves with him, and long afterward he used to say that no other success in life had given him such pleasure as did this one."—(Morse's *Lincoln*, I, 35.)

[5] Baker, 268.

The situation of the command was now daily becoming intolerable. Food was scarce, there were no proper tents and no supplies of clothing or shoes, and the winter, with its occasional severe northers, was drawing on. The volunteers were much dissatisfied. "Some prudence," Austin had written, "will be necessary to keep this army together," and when a vote, as usual, was taken, only four hundred and five men agreed to stay on. Among those who voted to stay were sixty-four men from New Orleans, constituting a company known as the Louisiana Grays. They had volunteered in New Orleans immediately on receipt of news that fighting was in prospect, had sailed for the river Brazos in October, bringing with them "an invaluable supply of munitions, provisions and military stores," and from Brazoria they had marched nearly two hundred miles to join Austin. They arrived at the camp of the besiegers on the evening of November 21, just as the proposed assault was abandoned, to their keen regret; for they were "willing and anxious for it to a man."[1]

Burleson, in this difficult situation, summoned a council of war, which met on the evening of December 3, and concluded to raise the siege and go into winter-quarters either at Gonzales or Goliad. The necessary orders were issued on the next day, and by the evening all, or nearly all, the preparations to retire on the fifth had been made.

This time the men were greatly disappointed, for the impression had been gaining ground of late that the strength of Béxar had been exaggerated. This impression was further strengthened by the arrival of a Mexican deserter, who reported that "the garrison was in a tumult and much dissatisfied." [1] At once volunteers were called for, and two hundred and sixteen responded. They were organized in two divisions, one under the command of Frank W. Johnson, a Virginian by birth, who had led the attack on Bradburn at Anáhuac in 1832, the other under the command of Benjamin R. Milam. Milam was a Kentuckian who had come to Texas as early as 1816 with Long's filibustering expedition,[2] had subsequently served in the Mexican army, had been a member of the Coahuila legislature, and had been arrested with Governor Viesca in the spring of 1835. He escaped and joined the Texans just in time to take part in the capture of Goliad. "Who will go with old Ben Milam into San Antonio?" he shouted when volunteers were called for, and his enthusiasm was contagious.[3]

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[1] *Comp. Hist.*, I, 557. Another company of Louisiana Grays, which left New Orleans at the same time as the company above referred to, but travelled by way of Natchitoches, joined the Texans somewhat later. There was also a company from Mississippi under a Captain Peacock which took part in the siege of Béxar.—(Yoakum, II, 23, 24.) Among the members of the Grays was a certain Hermann Ehrenberg, who took an active part in the Texan War, and survived to write three books in which he described his adventures. These books, all published in his fatherland, are *Texas und die Revolution* (Leipzig, 1843), *Der Freiheitskampf in Texas* (1844), and *Fahrten und Schicksale eines Deutschen in Texas* (1845). They are said to have had a great influence on the subsequent large German immigration. See "Germans in Texas," by Gilbert G. Benjamin, in *German-American Annals*, *N. S.*, VI, 315–340.

A little before daylight the assault was made with a force aggregating two hundred and fifty or three hundred men, some additional volunteers having come forward during the night, and an earlier attack was also made on the Alamo to draw off attention from the two divisions marching on the town. Johnson's and Milam's parties got within a hundred yards of the Plaza de la Constitución, which was strongly defended by heavy earth barricades, before they were discovered. They had brought two guns with them, but in the face of the Mexican fire down the streets these were nearly useless, and the Texans took shelter in the houses and replied as best they could with their rifles. For five days a confused contest was kept up, both sides occupying the roof-tops and firing from behind parapets. The Texans, on their part, presently conceived the idea of breaking through the walls of the houses, and thus pushing on from one to another. "We went through the old adobe and picket houses of the Mexicans," says one participant, "using battering-rams made out of logs ten or twelve feet long. The stout men would take hold of the logs and swing them awhile and then let drive endwise, punching holes in the walls through which we passed. How the women and children would yell when we knocked the holes in the walls and went in!"[1]

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[1] See Frank W. Johnson, in *Comp. Hist.*, I, 198, 199.

[2] Milam was one of the prisoners released through Poinsett's unofficial good offices during his first visit to Mexico. A letter from Milam to Poinsett, complaining of the ruffianly characters of some of his fellow-prisoners, dated Dec. 5, 1822, is among the *Poinsett MSS.*

[3] "Old" Ben Milam was born in 1791, and was consequently forty-four years old at this time.

Slowly gaining ground from house to house, the Texans finally got possession of the better buildings that faced the plaza. They had turned the barricades and the Mexican position had become untenable, so that about two o'clock in the morning of Thursday, the tenth of December,[2] Cos gave orders to abandon the town and concentrate the whole force within the walls of the Alamo. Six officers with one hundred and seventy-nine mounted followers immediately fled for the Rio Grande. The rest, including the wounded, with the military supplies and artillery, were safely across the bridge and in the Alamo soon after sunrise.

The troubles of General Cos, however, were by no means at an end. For some time his provisions had been scanty. On the morning before he abandoned the town he had received a reinforcement of over six hundred men, most of whom were utterly useless convicts, and their numbers only added to the difficulties of supplying food. The Alamo itself was already crowded with the women and children of the soldiers, and wood and water, under the accurate rifle fire of the Texans, were not procurable. There was nothing left for Cos but to surrender.[3]

After some haggling over the details, articles of capitulation were signed. The agreement allowed the Mexican officers to retain their arms and private property, on their promise to retire "into the interior of the republic" and not to oppose in any way the re-establishment of the federal Constitution of 1824. The six hundred convicts who had arrived just before the fall of Béxar were to be taken back by Cos beyond the Rio Grande, and a small escort of armed Mexican soldiers, with one light field-piece, was to accompany them. The rest of the Mexicans were free to go with Cos or not, as they pleased; private property was to be restored to its owners; private citizens were not to be molested; and the Texans were to furnish Cos with such provisions as could be obtained "at the ordinary price of the country."[1]

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[1] Sion R. Bostick, in *Tex. Hist. Quar.*, V, 89.

[2] The official reports of Johnson and Burleson, in Brown, I, 417–424, both state that the fighting ceased on the ninth; but they appear to be contradicted by the articles of capitulation, which are dated the eleventh. The matter is of no importance.

[3] Filisola gives a vivid account of the long and wearisome march of the reinforcements above mentioned, the last phases of the fighting in the town, the scenes in the crowded Alamo with the shrieking women and children, the confusion among the troops, and Cos's own temporary collapse under the burden of defeat and the desertion of some of his best men.—(*Guerra de Tejas*, II, 143–144, 161–169, 194–205.)

On December 14, 1835, the Mexican troops began their march to the Rio Grande. Eleven hundred and five men retired with General Cos, and these, with the men who had deserted on the morning of the tenth, and the wounded left in the Alamo, and others who were not accounted for, brought the total of the Mexican force up to fifteen or sixteen hundred men. That is to say, Cos had probably nine hundred or a thousand men on the morning of the first assault; and he had received reinforcements numbering over six hundred.[2] His losses are not known, but they were probably large. The Texan loss is given as one officer (Milam) killed and four officers and twenty-one men wounded.

The troops that retreated with General Cos over the hundred and fifty miles of almost waterless country that lay between Béxar and Laredo were the last Mexican soldiers left in Texas. A small force that had been stationed on the west bank of the Nueces River, at a settlement called Lipantitlan, above San Patricio, was captured about November 13, 1835, and released soon after on a promise not to serve again against the Texans.[1]

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[1] See text in Brown, I, 424. Filisola says that Cos declined to accept any supplies, on the ground that "the Mexican army neither receives, nor needs to receive, anything given by its enemies."—(*Guerra de Téjas*, II, 208.)

[2] This agrees with F. W. Johnson's estimate. He says Cos had a thousand or twelve hundred men early in October. Allowing liberally for losses, he would have had at least nine hundred when the assault was begun, on December 5. See *Comp. Hist.*, I, 185.

By the time that Béxar capitulated, the provisional government of Texas had been about a month in existence, but it had done little to facilitate either Austin or Burleson in their efforts to drive the Mexicans out of the country; and indeed it can hardly be said to have ever accomplished anything. Its history, during its entire existence of one hundred and seven days, is very far from edifying. It is little more than an account of petty jealousies, stupid mismanagement of serious affairs, and a long series of squabbles between the governor on the one hand and his council on the other.

There was one deep-seated difference of opinion as to the policy of the new government which accounted for a great deal of this incessant quarrelling. Governor Smith was in favor of independence, and entirely opposed to any dealings with Mexicans. "I consider it bad policy," he wrote to the council, "to fit out or trust Mexicans in any matter connected with our government, as I am well satisfied that we will in the end find them inimical and treacherous." The council, on the other hand, continued to believe in the "Federal party of the interior," and were anxious that the war should be carried on as a purely civil contest in support of the Constitution of 1824. They were supported by a number of Mexicans, some of them men of considerable consequence, who had sought an asylum in Texas, and who naturally encouraged the idea of making war for the purpose of restoring the federated republic. They also encouraged all proposals for carrying the war into Mexico, where they declared the Texan forces would be joined by numbers of local insurgents.

In a broader sense, perhaps, the division between the governor and the council may be regarded as a difference based on the choice of a defensive or an offensive policy. The governor wished to await attack; the council wished to push into Mexico, to keep the volunteers employed, lest they should melt away, and to unite with other Mexican citizens in an effort to overthrow Santa Anna and the Centralist party.

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[1] The best account of this trivial affair is in Filisola, II, 188.

Differing opinions on these points might very well have been entertained, and no great harm have ensued, but for unfortunate defects in the organic act constituting the provisional government. This instrument actually invited controversies, and in particular it wholly failed to define clearly where the executive power was lodged. The governor asserted that it resided with him, but the phrase "the governor and council" was constantly used in the organic act to indicate the executive authority. The result was that the council, possessed with the idea of sending troops into Mexico, and filled with that love of patronage and love for meddling in military matters which have distinguished most legislative bodies in America, undertook to appoint officers in the Texan army, and to direct their plans of campaign, without the slightest reference to the views of the governor or the commander-in-chief.

The council believed in or at least supported the local volunteers. The governor was convinced that the state government should "bring everything under its own proper control," or, in other words, that all the volunteers should be placed (so long as they served) under the control of the commander-in-chief.[1] Finally the quarrel culminated in a violent outbreak over a proposed expedition to Matamoros, which the council favored and the governor vehemently opposed.

The subject had been broached to Austin while he lay before Béxar by Doctor James Grant, a Scotchman by birth, but a resident of Mexico for many years. Grant, who lived at Parras, had been a member of the Coahuila and Texas legislature, and had been arrested with Viesca and Milam by General Cos. He had escaped like the others, and had joined the Texans who were besieging Béxar. He had acquired from the state government enormous tracts of land, under such doubtful circumstances that either the success of Santa Anna or the independence of Texas would probably involve the revocation of his grants; so that his interest clearly lay in the restoration of the federal form of government.

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[1] Governor Smith to the Council, Dec. 18, 1835; Brown, I, 453.

Another advocate of an expedition to Matamoros was Philip Dimmitt, the commander of the little Texan garrison at Goliad, who had had an angry controversy with Austin,[1] and who wrote on December 2, 1835, apparently as soon as he heard that Austin was no longer in command, urging that if Matamoros were taken the war would be brought home to the Mexicans and the revenues of the port, amounting to a hundred thousand dollars a month, would be used in support of Texas, instead of against it. "The presence of a victorious force in Matamoros, having General Zavala for a nominal leader, and a counter-revolutionizing flag," he believed, would lead to great results. "The liberal of all classes would join us, the neutral would gather confidence, both in themselves and us, and the parasites of centralism, in that section, would be effectually panic-struck and paralyzed."[2]

Before this letter could have reached San Felipe, a certain Captain Miracle, a Mexican refugee, had talked with a committee of the council. It was the usual story. He had brought no credentials, but he asserted that he had been sent by the principal men in Nuevo Leon and Tamaulipas; that they had arranged to take up arms as soon as all was ready; that many of the officers and men of the army were ready to join the Texans when called upon; and that if the object of the revolution really was to sustain the federal system the liberals would all unite and rise *en masse*.[3] Even Austin was impressed with this view of the situation, and wrote to the council in favor of an expedition to Mexico under Mexican leadership.[4]

If such an attempt was to be made at all, it was clear that Mexican leadership would have offered the best chances of success, provided other conditions were favorable; but in the manner the attempt was actually made, without an adequate force, or competent leaders, or a definite plan, it was certain to end in ignominious disaster.

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[1] Brown, I, 375.

[2] W. Roy Smith, in *Tex. Hist. Quar.*, V, 299.

[3] Foote, II, 184.

[4] *Ibid.*, 302.

Early in November, 1835, an expedition had sailed from New Orleans under the command of Colonel José Antonio Mejía, of the Mexican army. Mejía was a Cuban, who had come to Mexico in 1823. From about 1829 to 1831 he had been secretary of the Mexican legation in Washington, and while in the United States he became one of the incorporators of the notorious Galveston Bay and Texas Land Company.[1] In 1832 he was again in Mexico, a supporter of Santa Anna when Santa Anna was a Federalist. He was the same Mejía who commanded the expedition that sailed from Tampico and Matamoros to rescue the beleaguered garrisons of Velasco and Anáhuac. He had quarrelled with Santa Anna when the latter turned Centralist, and after failing in various revolutionary attempts in Querétaro and Jalisco had escaped to New Orleans, where he succeeded in collecting men and money for a projected descent on the Mexican coast.

Mejía, as the event proved, really had friends in the states of Vera Cruz and Tamaulipas, and he believed, or said he believed, that an expedition landing near Tampico would at once be joined by large numbers of the Federalist party. If successful, his expedition would unquestionably have paralyzed the Mexican plans for invading Texas, and it therefore received the support of the friends of Texas in New Orleans, and was hopefully looked on by Austin.

The ill-fated expedition arrived off the Tampico bar on November 14, 1835. The garrison in the fort at the mouth of the Panuco had been already won over by the Federalist conspirators in Tampico, and the united forces, on the next afternoon, attacked the town of Tampico, about nine miles up the river. The garrison of the town, however, proved faithful to Santa Anna; and after a fight in the streets Mejía and his men retreated to the mouth of the river, leaving behind them eight dead and a number of prisoners, of whom thirteen were native Americans, nine English or Irish, seven Germans, and two French. Three of this number died of their wounds, and the rest were tried by some sort of court-martial and shot.[1] Mejía himself, after waiting ten days on the beach, looking in vain for support from the interior, sailed away to Texas, where most of his men, early in December, joined the Texans; and as he was not trusted by the Texans, he took no conspicuous part in their struggle with Mexico.[2]

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[1] *Ross v. The Governor*, 24 Tex. Rep., 496.

The plan of a descent by the Texans on Matamoros seemed feasible at first to Governor Smith, and under his instructions Houston, immediately after receiving news of Cos's capitulation at Béxar, ordered Colonel James Bowie to proceed "forthwith" to that place and to take and hold it until further orders. If he was unable to attain the desired object, he was to occupy some strong position on the frontier and harass the enemy.[3]

Bowie did not receive this order until the first of January, when he came to San Felipe; but in the meantime everything had been thrown into such confusion by the controversies between the government and the council that nothing could be done. On Christmas Day the committee on military affairs of the council presented a report, in which they stated that, in view of the advance of a strong Mexican force against Texas (positive news of which was beginning to come in), it was most important to take Matamoros, "the key; yes, the commercial depot of the whole country north and northwest for several hundred miles," and they therefore recommended that the governor be advised by the council "to concentrate *all his troops* by his proper officers at Copano and San Patricio."[1] Houston, however, was earnestly opposed to the policy of concentrating the whole of the Texan forces at distant posts, and begged that he might be kept in command at some central point until the campaign should actually open.[2]

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[1] The French government subsequently demanded and obtained indemnity for the shooting of its two subjects. They were shot, said the French minister, "*sans que le gouvernement mexicain ait jamais pu dire, depuis deux ans que la France le lui demande, en vertu de quelle loi, ni suivant quelles formes judiciaires, on les avait condamnés et mis à mort.*"—(Ultimatum presented by Baron Deffaudis to the Mexican government, March 21, 1838; Blanchard et Dauzats, *San-Juan de Ulúa*, 230.)

[2] The best account of this tragic affair is E. C. Barker's "Tampico Expedition," *Tex. Hist. Quar.*, VI, 169–186; and see also "New Light on the Tampico Expedition," in vol. XI, 157. Diplomatic correspondence on the subject between the governments of the United States and Mexico is in H. R. Doc. 351, 25 Cong., 2 sess., 569–573, 576–590. General Gómez, who commanded at Tampico, and was responsible for shooting the prisoners, became involved the following spring in a quarrel with the American consul at Tampico in reference to a boat's crew from the United States revenue-cutter *Jefferson* (Sen. Doc. 160, 24 Cong., 2 sess., 117–130), which ended by an apology from the Mexican government, who disavowed Gómez's actions and relieved him from his command. He was, however, promoted immediately afterward to be commandant at Vera Cruz, where he again got into a controversy with the captain of the United States sloop-of-war *Natchez*.—(*Ibid.*, 5–42, 90–98.) The French government in 1838 insisted upon his being dismissed from the Mexican service on account of his conduct at Tampico.—(Blanchard et Dauzats, 241.)

[3] Houston to Bowie, Dec. 17, 1835; Yoakum, II, 454.

On the same day that Houston was protesting against concentrating on the sea-coast, the troops left in Béxar were actually carrying that policy into effect without orders. Burleson, on December 15, had turned over the command to F. W. Johnson, "with a sufficient number of men and officers to sustain the same in case of attack. . . . *The rest of the army will retire to their homes.*"[3] The men who stayed at Béxar were, therefore, for the most part, volunteers from New Orleans or elsewhere, who were more interested in a vigorous prosecution of the war than in the preservation of the farms and villages of the country. The garrison remaining was believed to number about four hundred; and on the thirtieth of December all of these, except about one hundred men, among whom were the sick and wounded, started for Matamoros by way of Goliad, taking with them all movable supplies, including medical stores. The expedition was not rapid in its movements. Three weeks were consumed in getting to the old Refugio mission,[4] and by that time Matamoros had been so strongly reinforced that any attack would have been impracticable.

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[1] Brown, I, 456–458.

[2] Houston to Smith, Dec. 30, 1835; *Tex. Hist. Quar.*, V, 315.

[3] Brown, I, 424. The italics are not in the original.

[4] The mission Nuestra Señora del Refugio, founded in 1791 and abandoned probably during the Mexican revolution, about 1812. It was distant from Béxar in a straight line a little over one hundred miles.

Johnson, the commander at Béxar, at first assumed full responsibility for this movement, but he evidently soon became doubtful about his own authority to do so. He therefore came to San Felipe, and on January 3, 1836, wrote a letter to the council stating that he had ordered the expedition upon the strength of a letter addressed to his predecessor, General Burleson, by the committee on military affairs; and that he desired the council to give him full authority to make the attempt on Matamoros. He did not pretend to have any orders from the commander-in-chief, and, in fact, denied the latter's authority to issue orders to volunteers.

The council highly approved Johnson's plans and immediately passed a resolution granting the authority requested. Johnson, however, began to hesitate, probably because he discovered that the governor was opposed to his projects; and the council on January 7 adopted a resolution appointing James W. Fannin as "agent of the provisional government," to collect as many volunteers as possible and to make a descent on Matamoros. The result of this impetuous legislation was that there were now two separate and entirely independent leaders, each authorized by the council to attack Matamoros, each clothed with extensive powers, and each considering himself entirely free from any necessity of obeying the orders of Houston, the titular commander-in-chief.

Almost simultaneously with this preposterous action by the council came alarming letters from Lieutenant-Colonel Neill who had been left in charge of Béxar. He had now one hundred and four men, who had received no provisions or clothing since Johnson and Grant had left.

> "The brave men," wrote Houston, in forwarding Neill's reports, "who have been wounded in the battles of Texas, and the sick from exposure in her cause, without blankets or supplies, are left neglected in her hospitals; while the needful stores and supplies are diverted from them, without authority." [1]

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[1] Houston to Smith, Jan. 6, 1836; Yoakum, II, 457.

The governor was provoked to the highest degree of fury by the action of the council and the news from Béxar. He had a special session of that body called for Sunday, the tenth of January, and sent them a message in the most intemperate terms. Corruption, he asserted, had crept in among them, and though he knew there were honest men in their number, there were also Judases, scoundrels, wolves, and parricides; and he declared that if the obnoxious resolutions were not rescinded by the next morning the council should not meet again. The council replied by a resolution deposing the governor, and until the first of March, when the convention met and the provisional government came to an end, the governor and the council refused to recognize each other.

The effect of such a state of things upon the efforts to make military preparations was of course disastrous. Houston, representing the authority of the governor, went about making speeches to the volunteers, in which he declared that the proposed Matamoros expedition was unauthorized and unwise. Johnson, holding authority from the council, asserted that Houston had no authority except over the "regular" troops. Fannin said he would serve under Houston, but only if the latter would head the expedition to Matamoros and obey the orders of the council.

A commander-in-chief whose orders were only to be obeyed when they were the kind of orders that his subordinates approved was evidently of no manner of use, and on January 28, 1836, Houston was instructed by the governor to go to the eastern part of the state to confer with the Cherokee Indians, who were threatening trouble. There, at least, he was listened to and he did good service, for he made a treaty which helped to keep these Indians quiet so long as the war with Mexico lasted.

CHAPTER XIII

THE MEXICAN INVASION

One of the many controversies between Governor Smith and the council had arisen out of the question of summoning a constitutional convention. The consultation, just before adjourning, in November, 1835, had authorized the provisional government to provide for the election and meeting of such a body; and the council accordingly, on December 10, 1835, adopted an ordinance, at the urgent request of Governor Smith, directing that a general election be held on February 1, 1836, for delegates to a convention, who were to be clothed with plenary powers, and were to meet at Washington, on the Brazos, on the first day of March, 1836. Governor Smith vetoed this ordinance on the ground that it allowed all "Mexicans opposed to a central government" to vote, as well as "all free white men"; and he did not know how to determine what Mexicans were or were not opposed to centralism, although he did consider that those near Béxar were not entitled to either respect or favor. The council, however, repassed the ordinance over the governor's veto on December 13, 1835.[1]

Notwithstanding the confusion that prevailed in Texan affairs at the time set for the elections, these were duly held and resulted in the selection of a body of men who appear to have represented fairly the diverse elements of the population. Forty-two members out of a total of fifty-eight, or about three-quarters of the whole, were natives of the slave states of the American Union. Six were natives of the Middle and New England states, four were native subjects of Great Britain. The birthplace of three of the Americans was not ascertained. Béxar sent two Mexicans, Francisco

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[1] Text in *Ordinances and Decrees of the Consultation*, 77 (Gammel, I, 981).

Ruiz and José Antonio Navarro, besides whom Zavala sat for Harrisburg; so that the Anglo-American race had little more than a proportionate representation.[1]

The principal question before the voters was, of course, whether Texas should declare her independence or whether she should still continue to struggle, as an integral part of the Mexican republic, for the maintenance of the Constitution of 1824. The capture of Béxar, the failure of Mejía's expedition, and the daily increasing mass of evidence that there was no substantial "Federal party of the interior" either willing or able to support Texas in a contest with the national troops, all tended to change the opinions of the most conservative.

Austin vacillated, but he ultimately declared himself in favor of independence. Just before sailing for the United States he wrote advising that Texas should do nothing to alienate the Federal party,[2] but by the time he had reached New Orleans he was clearly in favor of a declaration of independence. Writing to Houston on January 7, 1836, from New Orleans, he said:

> "A question of vital importance is yet to be decided by Texas, which is a declaration of independence. When I left Texas I thought it was premature to stir this question and that we ought to be very cautious of taking any step that would make the Texas war purely a national war, which would unite all parties against us, instead of it being a party war, which would secure us the aid of the Federal party. In this I acted contrary to my own impulses. . . . I now think the time has come for Texas to assert her natural rights, and were I in the convention I would urge an immediate declaration of independence. I form this opinion from the information now before me. I have not heard of any movement in the interior by the Federal party in favor of Texas, or of the constitution. On the contrary, the information from Mexico is, that all parties are against us, owing to what has already been said and done in Texas in favor of independence and that we have nothing to expect from that quarter but hostility. I am acting on this information. If it be true, and I have no reason to doubt it, our present position in favor of the republican principles of the constitution of 1824 can do us no good, and it is doing us harm by deterring that kind of men from joining us that are most useful."[3]

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[1] See list in Yoakum, II, 512. [2] Brown, I, 463–468. [3] *Ibid.*, 471.

To much the same effect was an official letter from the Texan representatives in the United States addressed to Governor Smith on the tenth of January.[1] At almost the same moment Houston expressed himself to the same purpose. "No further experiment need be made," he wrote to a friend on January 7, 1836, "to convince us that there is but one course for Texas to pursue, and that is an unequivocal declaration of independence."[2]

If the neighboring Mexican states had had as vigorous a leader as Santa Anna, when he "pronounced" in 1832 for the federal system, and if they had been willing to join with Texas in a contest against centralism, a declaration of independence might have been postponed. But when it was learned that all parties in Mexico were united in a common desire for vengeance on the Texan rebels, and the projects for a descent on Matamoros failed, the hope of support from that quarter disappeared and nothing more was heard of an opposition to a final break with Mexico.[3] When the convention met its members proved to be unanimously in favor of independence.

The month which elapsed between the election of delegates and their meeting in convention brought about no improvement in the distracted condition of Texan affairs. The breach between the governor and the council was irreparable. There was, in reality, no government, no central authority, and no direction in affairs, and a large Mexican army was known to be advancing on Béxar.

The situation of the very inadequate garrison at that place had already attracted the serious attention of Governor Smith and General Houston, but they had been unable to do anything effectual. About the middle of January Houston determined to abandon the town, and he accordingly sent forward James Bowie and what few men he could gather, with orders to withdraw the whole force to the Alamo and to destroy the barricades in the streets; and he asked the governor for authority to remove all the artillery and stores to Gonzales and Copano and to blow up the Alamo.[1] Neill, the commander, reported, however, that he could not remove the guns for want of horses (which Grant had carried off), and the Alamo was left intact under the care of about a hundred men.

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[1] *Tex. Dip. Corr.*, I, 56.

[2] See *Revue des Deux Mondes*, April, 1840.

[3] Yoakum, II, 55.

A few days later William B. Travis was ordered to Béxar, and started with some thirty men, arriving early in February, when he took over the command from Neill, who left for home, "in consequence of the sickness of his family." On February 12, 1836, Travis wrote that he had not more than a hundred and fifty men, "and they in a very disorganized state." As the frontier post, it would certainly be the first to be attacked, and his information was that nearly five thousand of the enemy were approaching. "Yet we are determined," he wrote, "to sustain it as long as there is a man left, because we consider death preferable to disgrace."[2] On February 24 the Mexican advance was actually in the town of Béxar, and Travis again appealed for aid. "I call on you," he exclaimed, in an address to the people of Texas, "in the name of liberty, of patriotism, and of everything dear to the American character, to come to our aid with all dispatch. . . . Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier who never forgets what is due to his own honor or that of his country."[3]

While Travis was sending out these desperate appeals for help, Fannin was lying idle not a hundred miles away, with a considerable force. He had become convinced that his project of a descent by sea upon Matamoros was impracticable, and about the end of January, 1836, he left Velasco and collected at Goliad some four hundred men, mostly volunteers from the United States. On February 28 he set out from Goliad with three hundred men to reinforce Travis; but owing to insufficient transport, and perhaps a shrewd sense that it was now too late, he returned to his post on the same day.

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[1] Houston to Smith, Jan. 17, 1836; Yoakum, II, 458.

[2] Brown, I, 534.

[3] *Ibid.*, 567.

The Matamoros expedition undertaken by Johnson and Grant which had so weakened Béxar, had by this time come to a wretched end. Many of the men deserted, either to return home or to join Houston, and by the beginning of February Johnson and Grant had less than a hundred men in all. With this handful they occupied San Patricio, and then busied themselves in collecting horses from the scattered Mexican ranches lying west of the Nueces. While Grant, with some fifty men, was on an expedition of this kind, Johnson was surprised at San Patricio, on February 27, 1836, by an overwhelming force of Mexicans. He himself, with four other men, escaped. The rest, with the exception of five or six, were all killed; and from thenceforward Johnson, who lived to be nearly eighty-five, disappears from Texan history.

Grant was less fortunate. After a successful raid he was returning to San Patricio, on the second of March, when he was attacked by a force of several hundred Mexican dragoons. He himself was killed, as were all but one of his men. Reuben R. Brown, the sole survivor, was lassoed, and was thus captured, only slightly wounded. He was taken to Matamoros, and made his escape nearly a year later.[1]

The convention which met on Tuesday, the first of March, under these depressing circumstances, wasted no time in discussion. On the next day after assembling, the delegates, by a unanimous vote, solemnly declared, in words copied from the more famous declaration of 1776, that their political connection with the Mexican nation had forever ended, and that the people of Texas now constituted a free, sovereign, and independent republic.[2]

The next step was necessarily the organization of an army. On March 4, by a unanimous vote, Houston was appointed commander-in-chief, with authority over all regulars, volunteers, and militia in the field, and on the morning of the seventh, as soon as his commission and instructions were received, he took leave of the convention, of which he was a member, and started for Gonzales, where a small force was again assembling. Houston was subsequently criticised for not having gone earlier to the front; but it is apparent that he could not have exercised any real authority if he had. The provisional government, from which he had theretofore derived authority, was at an end, and to have attempted to organize a military force under a doubtful title while the constitutional convention was sitting, would have been useless.

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[1] The narratives of Johnson and Brown will be found in Brown, I, 542–548. Johnson's account is also printed in Baker, 80–82. It seems that eighty-five men were killed, five escaped, and seven were taken prisoners, making ninety-seven in all.

[2] The official text is in *Journals of the Convention of the Free, Sovereign and Independent People of Texas* (Houston, 1838).

On March 12, 1836, an ordinance was adopted providing for a species of military conscription. Bounties in the form of liberal grants of land were also authorized.

On March 16 a Constitution was adopted, which was signed the next day. It was compounded, without much alteration, from the Constitution of the United States and the Constitutions of some of the Southwestern states. A President and Vice-President, a Senate and a House of Representatives, a Supreme Court and such inferior courts as might be established by Congress from time to time, were to exercise the executive, legislative, and judicial powers respectively. The common law of England, subject to such statutory changes as Congress might make, was to govern; the usual bill-of-rights provisions were, of course, included; and the acts of the legislature of Coahuila and Texas, passed in 1834 and 1835, which disposed of many hundred acres of the public lands, were declared to be null and void.

The constitutional provisions relative to slavery seem to have caused little or no discussion at the place and time of their adoption. Briefly, the Constitution declared that persons of color who had been slaves before coming to Texas, were to remain in a state of servitude; that Congress could pass no law emancipating slaves; that no individual could manumit his slaves without the consent of Congress; that no free person of color could reside permanently in the republic without the like consent; and that Congress might prohibit the introduction of slaves as merchandise, or from any country but the United States.

It could hardly have been expected that a body of men of whom the larger part had always lived in slave states, and nearly all of whom represented slave-holding constituents, should have adopted any different Constitution. To have done so, indeed, would have been suicidal. The one object for which the convention had been called was to relieve the people of Texas from Mexican control. It was abundantly evident that the accomplishment of this task would require all the best efforts of a united nation; and if the convention had begun by destroying the property of large numbers of the people, and thus creating most bitter antagonisms, their main object would most assuredly have been defeated. There was at the time no anti-slavery sentiment in Texas;[1] but if there had been, any delegate who desired independence as his first object would have been ill advised indeed, if he had attempted to complicate the situation by a premature proposal to make Texas a free state.

At the same time that the Constitution was approved ordinances were adopted for the establishment of a provisional government, consisting of a President, a Vice-President, Secretaries of State, War, Navy, and the Treasury, and an Attorney-General. The Constitution was to be submitted to the people, and, if approved, elections were to be held for the constitutional officers under the direction of the provisional government. David G. Burnet, a lawyer, a native of New Jersey, who had practised in Ohio before coming to Texas, was elected President, and Lorenzo de Zavala Vice-President. An address to the people of the

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[1] Even Austin had reached the conclusion more than six months before that "Texas must be a slave country. It is no longer a matter of doubt."—(Austin to Mrs. Holley, Aug. 21, 1835; *Tex. Hist. Quar.*, XIII, 271.) This letter was written from New Orleans, before the writer had reached Texas on his way home from Mexico, and while he was still in hopes that an armed conflict might be avoided or postponed.

United States, appealing for their sympathy and aid, was adopted. And then on Thursday, the seventeenth of March, the convention adjourned, while the new provisional government sought safety at the town of Harrisburg from the advancing forces of Santa Anna.

The Mexican expedition to Texas, which now appeared so formidable to the Texan authorities, had been long preparing, and was on as large a scale as the chronic emptiness of the national Treasury and the necessity of guarding against domestic disturbances would permit. As early as June, 1835, the rumor began to spread in the cafés and anterooms in the capital that the next achievement of the President (who had just slaughtered the Zacatecans) was to be the reduction of the Texan colonists to a proper condition of obedience.[1]

In preparation for definite military action, the Minister of Relations, on the last day of August, 1835, sent a circular to the governors and other local officers throughout the republic, which was doubtless meant to intimidate the colonists, but which only succeeded in enraging them.

> "The colonists established in Texas," the circular declared, "have recently given the most unequivocal evidence of the extremity to which perfidy, ingratitude and the restless spirit that animates them can go, since—forgetting what they owe to the supreme government of the nation which so generously admitted them to its bosom, gave them fertile lands to cultivate, and allowed them all the means to live in comfort and abundance—they have risen against that same government, taking up arms against it under the pretense of sustaining a system which an immense majority of Mexicans have asked to have changed, thus concealing their criminal purpose of dismembering the territory of the Republic.
>
> "His Excellency the President *ad interim*, justly irritated by a conduct so perfidious, has fixed his entire attention upon this subject; and in order to suppress and punish that band of ungrateful foreigners, has directed that the most active measures be taken, measures re-

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[1] Santa Anna at about this time told Austin that he (Santa Anna) would "visit Texas next March—as a friend. His visit is uncertain," Austin added, "his friendship still more so. We must rely on ourselves and prepare for the worst."—(Austin to Mrs. Holley, Aug. 21, 1835; *Tex. Hist. Quar.*, XIII, 272.)

quired by the very nature of what is in reality a crime against the whole nation. The troops destined to sustain the honor of the country and the government will perform their duty and will cover themselves with glory."[1]

It was Santa Anna's intention to open the Texan campaign in the spring, and meanwhile to remain at his hacienda of Manga de Clavo, leaving General Barragan, as President *ad interim*, to administer the government and to gather an adequate force of troops at Béxar by the end of the following February,[2] but the news of the affair at Gonzales and the seizure of the post at Goliad forced the hand of the government. On October 29, 1835, the Mexican Cabinet laid before Congress reports from General Cos, to the effect that all the colonies in Texas had risen, even including Austin's colony, "which until then had supported the government,"[3] and on October 31, 1835, orders were sent to General Ramírez y Sesma, the governor and commanding officer in Zacatecas, directing him to march at once to Béxar with four battalions and a battery of light artillery. By November 11 Ramírez had started on his difficult march with about fifteen hundred men and a hastily organized transport. The distance from Zacatecas to the Rio Grande at Laredo is about four hundred and fifty miles, and it was not until two days after Christmas that Ramírez and his division reached the southern bank of the river. Awaiting him there was General Cos, with the defeated garrison of Béxar and a large number of their women and children, who had reached Laredo on Christmas Day.

Santa Anna himself had hurried back to the capital early in November to take personal command of the Texan expedition, and after arranging the political affairs of the country to his satisfaction, started for the front toward the end of the month. By December 7 he was at San Luis Potosí, where he was energetically occupied for some days in organizing his army. The task was made peculiarly difficult from a lack of money. Although the total expenditure of the republic for the army amounted in 1835 to $7,686,926, according to the reports of the Secretary of the Treasury, it was necessary to resort to the most desperate expedients to raise the additional sums required for the Texas campaign. The government had been authorized by Congress on November 23, 1835, to raise $500,000 "by the least onerous method" for the purposes of the war,[1] but it was unable to do so by any of the ordinary means of finance.[2]

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[1] Dublan y Lozano, III, 64.
[2] Filisola, II, 213.
[3] *México á través de los Siglos*, IV, 360.

Santa Anna himself, in his manifesto written after the close of the war, thus explained the situation:

> "Who is ignorant," he wrote, "of the condition of our public treasury? Not only was it very wretched, but the only hope of raising money for the war was the slow and risky expedient of assessments (*contribuciones*), which might also serve as a pretext for risings and popular commotions, and which it was therefore impolitic to adopt. . . . In spite of the authority granted by Congress on November 23, the government was unable to procure the means necessary for the campaign, and until my arrival at San Luis, the supply was so trifling that although a part of the army was already assembled in that city, five days passed before it was possible to pay the men anything; and then but $10,000 were distributed, which I was only able to secure on giving my personal guarantee. I was empowered by the government to effect a loan, and I had to do it under extremely disadvantageous conditions for the nation, for I feared that later on the necessity would be greater and in consequence the conditions more onerous. . . . This contract, which was made on condition that it should be approved by the government, as it was finally approved, and which taken by itself will appear ruinous for the nation, but whose advantages are obvious if compared with other transactions of the same kind entered into by the government directly, was at that time the sole means of equipping troops and opening the Texas campaign."[3]

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[1] Dublan y Lozano, III, 106.

[2] The Treasury report for the year showed that the income of the government was far from sufficient to meet its obligations, and the minister (José Mariano Blasco) dwelt unhopefully on the necessity of devising some means to relieve the exhausted Treasury from the abject condition into which it had fallen ("*sacar á nuestra espirante hacienda de la abyección en que la ha puesto circunstancias*").—(*Memoria de la hacienda federal . . . presentada al Congreso . . . en 22 de Mayo de* 1835.)

[3] Santa Anna, *Manifiesto*, 6.

The loan referred to was for $400,000, of which only a small part was actually paid in cash, the remainder being in supplies to be delivered at Matamoros or in bills of exchange. A bill for $47,000, previously drawn on the collector of customs at Matamoros, and protested by him for lack of funds, was to be accepted as cash.[1] Nor was this usurious loan the end of the money difficulties of Santa Anna's army. They were expected to live upon the country; but in spite of forced loans and the seizure of all they could lay their hands on, they were always in distress for the lack of the most trivial sums of money.

Another difficulty under which the expedition labored was the inability to secure transportation of men and supplies by sea, or to blockade the coast of Texas. Considering that the colonists received from New Orleans all their supplies (except what little food they raised themselves), and that they were certain to receive considerable reinforcements of men from the same source, an effectual blockade and the seizure of all the principal ports would have been a very effectual means of conquering the country. So also, if vessels had been procurable, the army and its entire train might have been rapidly carried and regularly supplied from Vera Cruz or Tampico. But Mexico had no navy, no merchant marine, and no money with which to charter ships. So far as control of the sea went, Texas, with four patched-up schooners, secured and held it.[2]

Santa Anna was thus compelled to march by land with an ill-supplied and inadequate force. To reduce and hold effectively so large a country as Texas, thinly settled as it was, a very considerable army should have been provided; but in spite of all Santa Anna's undoubted energy and skill as an organizer, he could only manage to get together six thousand men. The regular army at that time amounted, on paper, to twenty-seven thousand, and with the more or less permanently organized militia, to forty-eight thousand six hundred men.

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[1] See details in App. 2 and 3 of the *Manifiesto*, 43–45. Caro, Santa Anna's private secretary, asserts that Santa Anna himself got a commission on this loan. Also that General Castrillon was paid $6,000 by the lenders, which sum he advanced to the army paymaster at 4 per cent a month interest.—(Caro, *Verdadera Idea*, 2–4, 148–162.)

[2] A detailed history of the Texan navy at this period will be found in a series of papers by Alex. Dienst in *Tex. Hist. Quar.*, XII, 165–203, 249–295.

Perhaps with the view of making good this deficiency in physical force, the Secretary of War, on December 30, 1835, issued a blood-thirsty circular which was intended to discourage the landing of men and supplies from the United States. The government, it was stated, had positive information that meetings had been held in the United States with the undisguised object of equipping armed expeditions against the Mexican nation; and the government was also assured that these acts were disapproved by the authorities of the United States, and were contrary to its laws. Nevertheless, as some speculators and adventurers had managed to evade the punishment that awaited them at home, the President *ad interim* directed that all armed foreigners who entered the republic should be treated and punished as pirates, as also all persons who imported arms or munitions of war intended to be put into the hands of those who were hostile to the government.[1] There can be no doubt whatever that Santa Anna, who was still the real head of the nation, was responsible for this measure. Indeed his private secretary asserts that it was drafted in Santa Anna's residence.[2]

Santa Anna's next care was to relieve Béxar, and orders were accordingly sent to General Ramírez y Sesma, directing him to push on from Laredo and take measures to raise the siege, which, it was assumed, was still in progress. "The foreigners," ran the orders, "who are making war on the Mexican nation in violation of every rule of law, are entitled to no consideration whatever, *and in consequence no quarter is to be given them*, of which order you will give notice to your troops."[3]

Reinforcements under General Fernandez were ordered to be collected at Matamoros; General Filisola, who had been appointed as second in command of the expedition, was despatched to the front, and Santa Anna himself promised to follow at the earliest possible moment.

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[1] Dublan y Lozano, III, 114.

[2] Caro. *Verdadera Idea*, 155.

[3] Filisola, II, 245. Italics not in original.

From the Rio Grande Filisola, who had overtaken Ramírez on the road, wrote a long and despondent letter to Santa Anna. The march, he reported, had been most toilsome; the horses and mules were all lame, the inhabitants of the country were apathetic, there were no cattle in the *ranchos*, and there was no money to pay the troops. General Cos had only eight hundred and fifteen men left, most of them naked and untrained, although he had equipped them as well as he could.

With respect to the plan of campaign, Filisola strongly advised that the base on the Rio Grande should be at Mier—eighty miles below Laredo—and that the advance should be by the line of San Patricio and Goliad to San Felipe. In this way Béxar would be turned, and would either be cut off from the rest of Texas altogether and easily taken later, or would be abandoned by the enemy. At Goliad, the army would be only fourteen leagues from Copano on Matagorda Bay, whither supplies could readily be forwarded by sea. As for Matamoros, the commandant was clamoring for reinforcements, and Filisola suggested that it might be well to send General Cos and his wretched troops to that point, where they could be organized, clothed, and drilled.[1]

Filisola's letter was crossed by one from Santa Anna, dated at San Luis Potosí on December 28, 1835, in which he stated that he had sent orders to Cos to continue his retreat to Monclova (nearly two hundred miles from Laredo), where his force could be rested, and to Ramírez y Sesma to march eighty miles up the Rio Grande to the old presidio of San Juan Bautista. These orders Filisola was to see executed. With respect to Matamoros, General Fernandez with a well-equipped body of troops was at hand, and Filisola need not pay any attention to it, but was to establish his headquarters at Monclova. General Urrea, who had been ordered to proceed from Durango with a small body of cavalry, was to take command in Saltillo. A company of presidial troops was to remain at Laredo, but no other troops were to be detached by Filisola except under express orders from Santa Anna himself.[1]

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[1] Filisola, II, 260-269.

This letter indicated clearly the decision which Santa Anna had reached. He purposed to make Béxar his first objective, and to advance along a nearly straight line from San Luis Potosí by way of Saltillo, Monclova, and the presidio of San Juan Bautista. His decision, which ignored the importance of having a base of supplies on the sea, and indeed ignored the requirement of any base whatever, appears contrary to every principle of the military art. According to Filisola, it was also contrary to the advice of almost all the principal officers of the army, and he asserts that Santa Anna persisted, largely from wrong-headed obstinacy, and a desire to have his own way, aggravated by illness.[2]

At any rate, there was nothing for Filisola to do but to obey. On January 5, 1836, his movement began. By the sixteenth Ramírez was at the presidio, and by the twenty-first Cos was at Monclova. In the meantime the main body, under Santa Anna, was arriving at Saltillo, where they were joined on the nineteenth by General Urrea with his cavalry. On January 23, 1836, Santa Anna—who had arrived at Saltillo with the first detachment—issued detailed orders for the march. The expeditionary army now amounted, according to the official returns, to 6,019, rank and file, organized in five brigades or detachments, as follows:

1. Vanguard, under General Ramírez y Sesma, numbering 1,541 men (of whom 369 were cavalry), with eight guns.
2. First infantry brigade, under General Gaona, 1,600 men and six guns.
3. Second infantry brigade, under General Tolsa, 1,839 men and six guns—including General Cos's troops.
4. Cavalry brigade, under General Andrade, 437 men.

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[1] Filisola, II, 269.

[2] Santa Anna states that he was in bed for two weeks at Saltillo.—(*Mi Historia*, 33.)

5. Detachment under General Urrea, 300 infantry and 301 cavalry, with one four-pounder gun.

On January 26, 1836, the main body of the army, except Urrea's command, began to march from Saltillo, picking up Cos and his men at Monclova. Urrea was ordered to march from Saltillo to Matamoros, where he was to be joined by 300 men from the Yucatan regiment—who, it seems, had been sent from Campeche by sea—and was to cross the Rio Grande at once, in order to repel any projected attack by the Texans and to guard the right flank of the main body. Urrea left Saltillo on the last day of January, and crossed the river on February 17, 1836. It was his command which, on February 27 and March 2, destroyed the insurgent parties under Johnson and Grant.

Santa Anna himself pushed forward rapidly, overtaking and passing the various brigades, and reached the presidio of San Juan Bautista on February 12. On the same day Ramírez y Sesma, with a force now numbering over sixteen hundred men,[1] crossed the Rio Grande and began the toilsome march to Béxar.

Before leaving the presidio Santa Anna himself wrote to the civil authorities at the capital, asking to be furnished with instructions as to the steps to be taken for the government of Texas after he had reconquered it.[2] The Secretary of War, on March 18, sent a reply,[3] in which he stated that the President and cabinet had carefully examined the grave, difficult, and important questions upon which the commander-in-chief had touched in so masterly a manner, and then proceeded to lay down, under ten different heads, a complete series of provisions for punishing the Texans and rewarding the Mexican soldiers and employees out of the spoils of victory. Briefly, all expenses of putting down the insurrection and all losses incurred thereby, including duties not collected, were to be made up by confiscation of the property of the settlers;[1] all the principal promoters of the revolution were to be executed; all foreigners who had come as part of an armed force were to be treated as pirates; all other prisoners were to be dealt with as Congress might direct;[2] all foreigners who had settled in Texas without lawful passports were to be expelled; and all slaves were to be set free.

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[1] He had picked up a few recruits near Laredo and the presidio.—(Filisola, II, 326.)

[2] See text in Santa Anna's *Manifiesto*, 53–59.

[3] Text in Filisola, II, 371–379.

These instructions were received by the commander-in-chief about the middle of April, and circumstances occurred soon afterward which rendered the decisions reached by the Mexican government entirely unimportant—except as these decisions threw some light upon the spirit in which they intended to carry on the war. It was probably considerably later when the Texans learned of the officially declared intentions of the government in regard to them. Had they been more promptly informed, they might very well have replied as Henry V is represented to have replied to the French herald before Agincourt:

> "Bid them achieve me, and then sell my bones.
> Good God! Why should they mock poor fellows thus?
> The man that once did sell the lion's skin
> While the beast liv'd, was killed with hunting him."

But Santa Anna, at any rate, was not troubled by any misgivings as to his fate, and he set out from the presidio on the sixteenth of February, hot upon the trail and with every preparation made for disposing of the beast's skin. On the following day he joined the advance under Ramírez y Sesma, and on the twenty-third took possession of the town of Béxar—Travis and his men taking refuge in the Alamo, which they had provisioned as well as possible. Santa Anna contented himself with surrounding the mission buildings while awaiting the arrival of the brigade under Gaona.[1]

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[1] Congress passed a special confiscation act to cover the case of Texas on April 9, 1836.—(Dublan y Lozano, III, 141.)

[2] On April 14, 1836, Congress passed another law, directing that prisoners taken with arms in their hands and persons who might surrender within a period to be fixed by the commander-in-chief should *not* be executed, but should be banished forever or (in certain cases) should have the option of being confined for ten years within districts to be designated by the government and distant at least seventy leagues from any frontier. The principal agents of the insurrection were excepted from the benefits of the law.—(*Ibid.*, 142.)

On the twenty-ninth of February, however, he ordered Ramírez to send out a party to reconnoitre the road toward Gonzales, whence it was supposed that reinforcements for the Texans were advancing. "You know," wrote Santa Anna to Ramírez, "that *in this war there are no prisoners.*" [2]

The reconnoissance, which was made in some force,[3] was unsuccessful. The troops employed returned to camp on the morning after they left it; but at three o'clock of that same morning thirty-two men from Gonzales had joined the Texans. The number of the defenders of the Alamo was now raised to one hundred and eighty-eight.

The disaster which followed was inevitable. The buildings of the mission of San Antonio de Valero had been constructed about the middle of the eighteenth century. They had later been converted into a military post, but they could not stand against artillery, and even against infantry they could only have been held by a far larger force than that which now occupied them.

The place consisted of a large four-sided corral or yard, about four hundred and fifty feet long from north to south and a hundred and sixty feet wide from east to west. The enclosure was formed partly by stone buildings, and partly by a masonry wall about two feet and a half thick and from nine to twelve feet high. A part of the wall near the northwesterly corner appears to have been in ruins. There were irrigation ditches not far from and nearly parallel to the longer walls, and something like a regular ditch may have existed round the whole *enceinte*. There were no bastions or other means of enfilading the walls.

The middle part of the easterly side of the large enclosure was formed by the back of the old convent building, two stories high and one hundred and ninety-one feet long. Along the south end of the enclosure was the *cárcel*, or prison, a strong one-story building, with the main gate-way entering through it. On the west side of the enclosure was a range of one-story buildings, also of stone. Back of the old convent building was another yard, about a hundred feet square, surrounded by stout stone walls; and adjoining this at its southeast corner stood the remains of the convent church. This little cruciform structure was about seventy-five feet long and sixty feet wide across the transepts. Its roofless walls were approximately twenty feet high and four feet thick. At the east end of the church an earthen mound or platform had been constructed the previous autumn by General Cos, on which three twelve-pounder guns were mounted, firing through embrasures roughly notched in the masonry.[1] Fourteen guns, or possibly more, were mounted in various parts of the works, but as the Texans were unskilled in the use of artillery, these did not prove to be of much use. The defences were substantially as they had been left by General Cos when he surrendered the previous December.

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[1] Santa Anna to Secretary of War, Feb. 27, 1836; Filisola, II, 380. He says in this letter that he had expected to surprise the rebels at dawn of the twenty-second, but that a heavy shower of rain had prevented him.

[2] "*En esta guerra sabe vd. que no hay prisioneros.*"—(Filisola, II, 387.)

[3] A regiment of cavalry and a battalion of infantry. They only went as far as the Espada mission, about eight miles down the river.—(Kennedy, II, 184.)

The garrison was much too small to man walls a quarter of a mile or more long, and, what was worse, it was unorganized and divided into factions. Travis, who had been commissioned a colonel in the "regular" army of Texas, had been sent by Houston to take command; but the volunteers in Béxar declined to serve under him, and elected James Bowie as their commander. To solve the difficulty thus created, the two commanders entered into an extraordinary written agreement, by which Travis was to command so much of the garrison as consisted of regulars and volunteer cavalry, and Bowie was to command the rest, and all orders and correspondence were to be signed by both officers.[1] Bowie, however, fell seriously ill, and Travis was quietly accepted as sole commander.

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[1] See account of the Alamo by Col. R. N. Potter, U. S. A., in *Comp. Hist.*, I, 641, with diagram. A better and more accurate diagram will be found in Corner's *San Antonio de Béxar*. Yoakum has a diagram which appears to be substantially correct, but the dimensions given in his text are erroneous and are contradicted by the diagram.

But notwithstanding the inherent and notorious weakness of the Alamo and its garrison, the stout posture of defence which they presented was enough to render Santa Anna extremely cautious. He had only light field artillery with him, and he hesitated about attempting an assault until Gaona's guns had arrived. A part of Gaona's brigade joined Santa Anna on Friday, the third of March, consisting of a battalion of sappers and the infantry battalions of Aldama and Toluca—in all, eight hundred men or less.[2]

Santa Anna must now have had under his command somewhere between two thousand and twenty-four hundred men—at a moderate computation a preponderance of twelve to one over the besieged—and an assault was ordered.[3] A little before the dawn of Sunday, the sixth of March, three columns attacked—one at the northwest angle of the large enclosure, where a breach existed, another about the middle of the western wall, and the third at the church. The large enclosure was, of course, soon gained. Travis himself was killed early in the fight, and his body was found near the northwest corner.

The Texans, or such as were left of them, fell back on the two-story convent and the church, in both of which a desperate and unavailing fight was kept up by the defenders against enormous odds. One room after another of the convent building was invaded, and the occupants killed. Bowie, who was lying in bed, sick of typhoid pneumonia,[4] was shot. The church was the last point carried, and every one of its defenders was killed. Not a single man of the Texans was left to tell the story of the siege and assault, and it was from the lips of Mexican soldiers that an American resident at Matamoros, a few weeks afterward, picked up a more or less intelligible statement of the details.[1]

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[1] Brown, I, 536.

[2] Kennedy, II, 184; Filisola, II, 334.

[3] The Texans believed that Santa Anna had his full force with him at this time; but the evidence seems quite clear that the rest did not join him until after the assault on the Alamo.—(*Ibid.*, 431.)

[4] *Comp. Hist.*, I, 643.

Santa Anna's victory was complete; but, in a way, it was worse than a defeat. He had lost a great number of men—how many it is impossible to state. Filisola says "more than" seventy killed and three hundred wounded.[2] But besides the men, Santa Anna had lost valuable time. He had been delayed by Travis's obstinate and hopeless defence for two weeks—a period of incalculable value to his adversaries. And worse than all, the very dramatic completeness of his victory had turned the world against him. A cause for which nearly two hundred men had literally fought until they died was one to enlist the sympathy of all who heard of their heroic resolution. To defend a post until the last drop of blood, was a figure of speech often employed; but these men, with unheard-of resolution, had actually done the thing itself. "Thermopylæ," said a Texan orator, "Thermopylæ had its messenger of defeat, the Alamo had none"; and the point and vigor of the phrase embodied, in ten words, the feeling of the pride of race with which all English-speaking men learned of the great feat of Travis and his command.[3]

Santa Anna's next step, having taken the Alamo, was to prepare for a general advance as soon as the whole of his force had joined him. The remaining part of Gaona's brigade, with its guns, arrived on the eighth of March. Tolsa, with the second brigade, and Andrade with the cavalry brigade and the wagons, reached Béxar by the tenth or eleventh of March.[4] On the latter day the forward movement began, General Ramírez y Sesma, always active, being sent in the direction of Gonzales and San Felipe, with a view to securing the fords of the Colorado; while a detachment of about six hundred men, under the command of Colonel Morales, was ordered to Goliad to reinforce the right wing of the army under Urrea.[1]

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[1] R. M. Potter in *Magazine of Amer. Hist.*, Jan., 1878.

[2] *Guerra de Tějas*, II, 389. Santa Anna gives seventy dead and *about* three hundred wounded.—(*Manifiesto*, 10.)

[3] The best evidence seems to be that the famous phrase was first uttered by Edward Burleson in a speech at Gonzales, when the news of the fall of the Alamo reached that place.—(*Tex. Hist. Quar.*, VI, 309; VII, 328.)

[4] Filisola, II, 431.

Urrea, after his easy triumphs over the little parties of Johnson and Grant, had halted at San Patricio, where he remained, probably waiting for orders from Santa Anna, until the twelfth of March. He then pushed forward to Refugio, reaching the site of the mission after two days' march. There he found a party of insurgents under Major Ward, of Georgia, holding the church. Ward repulsed Urrea's attack that afternoon, but retreated in the night, intending to join Fannin, who was still holding Goliad.

Next day Urrea also started for Goliad, picking up on the way Captain King, one of Fannin's officers, with a detachment of forty-seven men. Of these, sixteen were killed in action, and the remaining thirty-one were made prisoners and then shot. "The fatigue of the troops, in consequence of their constant marching," says the Mexican historian of the war, "the number of prisoners—which was now much increased—the want of means for keeping and feeding them, and finally, the orders of the supreme government and the latest orders from the commander-in-chief, compelled General Urrea to yield to difficult circumstances, although contrary to his own intentions, and to order some thirty adventurers to be shot"; and Filisola goes on to argue, that although Urrea's conduct had been blamed, he was really quite right in extirpating "these hordes of assassins and thieves."[2]

Pushing rapidly forward, Urrea interposed a part, if not all of his force, between Ward and Fannin, and was joined by Morales with the reinforcements from Béxar on the seventeenth of March, raising his force to about twelve hundred men. Two days afterward Fannin, too late, began his retreat.

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[1] Goliad was originally the presidio de la Bahía del Espíritu Santo. The buildings were almost a duplicate of those at the Alamo. It was occupied at this time by about four or five hundred volunteers under Col. J. W. Fannin. —(*Comp. Hist.*, I, 613.)

[2] "*Nada más natural que el que se estirpasen estas hordas de asesinos y ladrones.*"—(Filisola, II, 419.)

He had received orders from Houston on the fourteenth of March to fall back to Victoria as soon as practicable, with "such artillery as can be brought *with expedition*," to sink the rest in the river, and to afford every facility to women and children desirous of leaving the place. "The immediate advance of the enemy may be confidently expected," Houston added, "as well as a rise of water. *Prompt movements are therefore highly important.*" [1] That Fannin delayed moving for five days after receipt of this order was, perhaps, excusable, in view of the continued absence of Ward and King with a hundred and fifty men. A more serious disobedience of orders was his determination to remove all his artillery, so that, when he finally started on the morning of March 19, he was encumbered not only by a following of non-combatants, but also by a train of ox-carts.

About the middle of that day Fannin was overtaken by Urrea's cavalry in an open prairie, some five miles from the Coleta River. Unable to advance, he was soon surrounded by Urrea's whole command, which outnumbered the Texan force about four to one. All that afternoon and until well into the night a bitter fight went on, the Texans sheltering behind their carts and the dead bodies of their cattle; the Mexicans constantly attacking with horse and foot, and both sides suffering rather severely.

By next morning, Sunday, March 20, Fannin realized that his position was hopeless. He was five miles from water, his animals had been killed, and he had a number of women and children, besides his wounded, whom he was not willing to desert, and he determined to surrender. He therefore displayed a white flag, and Urrea sent three officers—Colonel Morales, Colonel Salas, and Lieutenant-Colonel Holzinger—to negotiate terms of surrender. Fannin asked for assurances that his men should be treated as prisoners of war, and a written agreement to that effect was drawn up on his behalf. According to Colonel Holzinger, this proposition was referred to General Urrea, although the orders of the government were well known to his three representatives. The answer was that no agreement to that effect could be made, but that private assurances might be given to Fannin that he (Urrea) would use his influence with the government to spare their lives, and that until the reply of the government was received, they should be treated as prisoners of war. Fannin said to the Mexicans: "Gentlemen, do you believe the Mexican government will spare our lives?" to which the commissioners answered that, although they could give no positive promise, yet there was no example of the Mexican government having ordered the shooting of a prisoner who had appealed to its clemency; and thereupon Fannin surrendered, without any papers having been signed by the Mexicans.[1]

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[1] Yoakum, II, 472. Italics are not in the original. The orders were dated March 11.

Urrea's own account of the surrender only differs from this in one material point. In his diary, published a year later, he says that he gave Fannin the assurance that he would interpose in his behalf *with the commander-in-chief*, and accordingly did so, in a letter from Victoria.[2] From Victoria he also wrote to the officer in command of the guard at Goliad, directing him to treat the prisoners with consideration, and particularly Fannin.[3]

The rank and file of Fannin's force, who were not, perhaps, accurately informed as to what had passed in the conferences, were certainly convinced that the Mexicans (whom they naturally mistrusted) had consented to definite terms of capitulation, under which they were to be treated as prisoners of war and be sent back to the United States. Their treatment at first confirmed this belief. They were sent back to Goliad, including all the wounded, and here they were shortly joined by Ward and his men, who were captured on Monday, the twenty-first, and by eighty-two men fresh from the United States, who had been taken as they landed at Copano. There were in all about five hundred prisoners, almost all of them volunteers from the United States. They were guarded by about two hundred Mexican infantry, under command of Lieutenant-Colonel Portilla, Urrea himself having marched forward from the field of Fannin's surrender direct to Victoria.

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[1] Letter from Holsinger to John A. Wharton, June 3, 1836, in Caro's *Verdadera Idea*, 73–78.

[2] Urrea, *Diario*, 17. This letter is not published, but Santa Anna's reply will be found at page 60, in which he argues the case at some length, and says the indignation of the nation would fall on him if he protected such highway robbers. "I yield to no one, my friend," he continues, "in tender-heartedness, for I am not aware that I hate any man, and I have never had a thought of avenging even personal injuries; but what authority have I to overrule what the government of the nation has in terms commanded, by remitting the penalty for such criminals as these foreigners?" If, instead of Santa Anna's ordering the prisoners to be executed, the question had been referred to the city of Mexico, an answer would not have been received till the end of April; and by that time Santa Anna had ordered all surviving prisoners released, in spite of the directions of the supreme government.

[3] "*Trate V. con consideración á los prisioneros, principalmente á su gefe Fanning.*"—(Urrea, *Diario*, 62.)

About seven o'clock in the evening of the following Saturday (March 26), Portilla received a despatch from Santa Anna, expressing surprise that the prisoners should have been sent to Goliad at all, recalling the order of the government that all foreigners taken with arms in their hands should be treated as pirates, and directing that the prisoners should all be immediately shot.[1]

Portilla, after some hesitation (as he asserted later), determined to comply with Santa Anna's very positive command. The eighty-two men taken at Copano, however, he thought were not included in the order, and four American surgeons, with some other men, who were saved by the connivance of Mexican officers or the kindly intercession of a Mexican lady, were also spared. In all about a hundred and twelve men were excepted.[2]

Early on the morning of Palm Sunday, those who were not in the hospital, numbering over three hundred, were mustered, with their knapsacks on their backs, divided into three separate parties, and marched out in different directions on the prairie. The men were in high spirits, for they believed they were going home. About half a mile from the presidio they were formed in line with the Mexican escort facing them. Even then they did not understand what was going on. As one survivor related, while they stood there, somebody suddenly cried out: "Boys, they're going to shoot," and then the slaughter began.

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[1] For the text of this order see Urrea, *Diario*, 60.

[2] See Portilla's reports, *ibid.*, 61–63.

The details of this horrible business need not be gone into, but it is enough to say that of the men thus marched out every one was put to death except a few who ran the moment they saw they were to be murdered. The troops employed in the execution then went back into Goliad, dragged the wounded out of the barracks, and put them to death. Fannin himself, who was among the wounded, was the last man shot. In all, about three hundred and fifty-seven men were executed. Their bodies were burned.[1]

If the evidence of Urrea and Holzinger is to be believed, the guilt of this atrocious butchery of prisoners, a week after they had surrendered, lay solely at Santa Anna's door. "Every soldier in my division," wrote Urrea, "was confounded at the news; all was amazement and consternation. . . . They [Fannin's men] certainly surrendered in the belief that Mexican generosity would not make their sacrifice sterile; for if they had thought otherwise they would have resisted to the last, and sold their lives as dearly as possible."[2] It is to be noted, however, that Urrea, when his diary was published, was hostile to the government, that he did not publish the text of his report to Santa Anna, and that the latter may not have been fully and fairly informed of the circumstances of the surrender. But whatever the degree of Santa Anna's guilt, there can be no question that his act was an amazing blunder. This cold-blooded slaughter aroused a spirit of vengeance which was not to be lightly satisfied, and which wrought infinite mischief to Mexico in the long run.

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[1] Accounts by two of the surgeons who were spared and by some of those who were ordered out for execution, but escaped, will be found in Foote, II, 227; *Comp. Hist.*, I, 608; *Tex. Hist. Quar.*, I, 54; Baker, 144, 244. Andrew A. Boyle, one of the Irish settlers at San Patricio, was wounded but was left in the hospital through the personal intervention of General Garay, and saw his companions shot in the hospital yard. His account is in *Tex. Hist. Quar.*, XIII, 285–291. The most careful calculation of the number put to death is in Brown, I, 624.

[2] Urrea, *Diario*, 22.

It is no more than just to the Mexican commander to recall that his course was in full accord with Spanish and Mexican precedents. The royalists and the insurgents, like Calleja at Guanajuato, and Hidalgo at Valladolid, from the very beginning of the war of independence, had made it their constant practice to shoot their prisoners.[1] At Guadalajara, the patriot priest Hidalgo caused a body of Spanish prisoners to be marched out of the city to a lonely spot, and there butchered; "and on other occasions the same ceremony was repeated."[2] At Zipimeo, in September, 1812, the royalist general, Castillo, put more than three hundred prisoners to death; and a few days after a hundred more were drawn up in line and shot, all but one man, who was dismissed to bear the tidings to his countrymen.[3] In August, 1817, the royalist general Liñan captured a fort, and all the sick and wounded in the hospital were dragged out and shot. The unwounded prisoners were made to work for three days restoring the fortifications, and when they were no longer needed for that purpose, they were shot also.[4]

These, though conspicuous, were not isolated instances. It was the general rule, during the revolutionary war, that if any prisoners had been taken on either side, they were forthwith shot;[5] and these were the standing orders, at least on the part of the royalists. On November 23, 1811, Calleja, then commander-in-chief, and afterward viceroy of New Spain, issued a proclamation announcing that all who were taken with arms in their hands were to be shot.[6] And a little later General José de la Cruz, in his orders to a subordinate, expressly directed that he must not spare the life of any rebel, no matter of what class, condition, or age he might be.[1]

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[1] Bancroft, *History of Mexico*, IV, 226, 230. [2] *Ibid.*, 249.

[3] *Ibid.*, 337. And see for other examples of wholesale butcheries, *ibid.*, 268, 311, 317, 321, 349, 355, 372, 571, etc.

[4] Robinson, *Mina's Expedition* (Am. ed.), 207.

[5] Of Pedro Celestino Negrete, a Spanish officer, it was reported that not one insurgent prisoner captured by him had ever escaped death.—(Bancroft, *History of Mexico*, IV, 387.)

[6] Calleja believed that citizens of the United States were encouraging the revolution. He caught one of them at the bridge of Calderon, a certain Simon Fletcher, a captain of artillery, who was badly wounded. "*Era tal el deseo de Calleja de fusilar á alguno de los de aquella nacion,*" says Alaman, "*que andaban fomentando la revolucion, que para ejecutarlo se le sacó del hospital en donde estaba.*"—(*Historia de Méjico*, II, 154.) It was an exact precedent for the murder of Fannin.

It was also declared by the Spanish Cortes to be contrary to its own majesty and dignity to confirm any capitulation with insurgents;[2] and accordingly, even where surrenders were made on the express condition that the lives of the prisoners should be spared, the condition was repeatedly violated. The insurgents were as faithless as the royalists. When Tasco surrendered in December, 1811, Morelos, a week later, ordered that the terms of surrender be disregarded, and the prisoners were shot.[3] Tehuacan capitulated under a guarantee that the lives of all the royalists should be spared, "to which stipulation, according to custom, not the slightest attention was subsequently paid."[4]

The Spaniards practised similar barbarities in their wars at home. As late as August, 1834, General Rodil—who had indeed learned his trade in the revolution in Chile—issued a proclamation condemning all Carlists and their abettors to death; and Zumálacarregui, the Carlist leader, answered by ordering that all prisoners, of whatever grade, be executed.

It may well be supposed, therefore, that Santa Anna never anticipated the strong expression of horror and resentment which was manifested in foreign nations at the manner in which he waged war. The school in which he was bred had taught, and the nation from which he was descended was practising, the doctrine that the wholesale slaughter of disarmed insurgents was the proper way to suppress rebellion.

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[1] Bancroft, *Mexico*, IV, 324; and see Beltrami, *Le Mexique*, I, 346.

[2] Decree of April 10, 1813.

[3] Bancroft, *Mexico*, IV, 350.

[4] *Ibid.*, 398. Other examples of the same disregard of pledges will be found in Robinson, *Mina's Expedition*, 177–188.

CHAPTER XIV

SAN JACINTO

THE fall of the Alamo and Urrea's destruction of Grant's small force had convinced Santa Anna—according to his second in command—that the war was at an end, and when Fannin's command was captured, he felt that his presence at the front was no longer needed, and that he might return to Mexico to enjoy his triumph. His plan was to go himself by sea, and to send back a large part of the artillery and wagon-train by land. He had previously, as we have seen, sent off Gaona in one direction, and Ramírez y Sesma in another, so that by the twenty-fifth of March his army was divided into four parts, of approximately equal size, separated from each other by several days' march, and liable to be attacked and beaten in detail if the Texans possessed any military force whatever. Filisola was much alarmed, as he states, at this condition of things, and with the help of Colonel Almonte of the staff, who had Santa Anna's confidence, was able to induce the latter to rescind the order for the return of the artillery and wagons to Mexico, and to take some steps looking to the concentration of his scattered troops.[1] What the Texan forces might still amount to, was, however, a matter as to which the Mexican officers were entirely in the dark.

Houston, as already stated, had attended the convention at Washington on the Brazos long enough to sign the declaration of independence, and have his appointment as commander-in-chief confirmed. He left Washington early on the morning of Monday, the seventh of March, the day after the Alamo had fallen. By the next Friday afternoon he was at Gonzales, where he found three or four hundred men gathered together without organization of any kind. A few minutes after his arrival a report was received from Mexican *rancheros* that the Alamo had fallen.

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[1] Filisola, *Defensa*, 10-12.

Whether the report was true or false, the obvious thing to do was to concentrate the remaining Texan forces as soon as possible; and Houston's first act was to send orders to Fannin to blow up the presidio at Goliad, to throw his heavy guns into the river, to fall back on Victoria, and to send from there one-third of his force to Gonzales. Of Fannin's fatal neglect to obey these orders, literally and promptly, no more need be said.

The Alamo had been taken on the sixth of March, but it was not until Monday, the fourteenth, that Houston received tragic and convincing evidence of the fact. Mrs. Dickinson, whose husband had been an officer of the garrison, arrived at Gonzales with her child, escorted by two negroes—one a servant of Colonel Bowie's, the other a servant of Santa Anna's aid, Colonel Almonte. Mrs. Dickinson and her child, with two Mexican women and Colonel Bowie's servant had been in the Alamo at the time of the assault, and as non-combatants their lives had been spared by the Mexicans.

Houston's retreat from Gonzales was immediately begun, and begun in a panic. Clothing was destroyed; the two pieces of artillery in possession of the Texans were thrown into the river, and the wagons belonging to the troops were turned over to the fleeing inhabitants for the removal of their household goods. There was, if Houston had only known it, no necessity whatever for this headlong haste and destruction of valuable supplies; but much more serious than the loss of property was the moral effect produced on the people of Texas. The story of Houston's precipitate retreat spread, with every circumstance exaggerated. Well-founded fear of the Mexican soldiery urged the inhabitants to abandon their homes; and from one end of the settlements to another, men, women, and children fled frantically toward the boundary, where the strong arm of the United States was trusted to protect them. Men who might have been with the army were carrying off their women and children, and saving what they could of their movable property. And in the rear, as well as in all the front of Houston's command, was an uninhabited zone, where abandoned or burning dwellings and untended fields were almost the only signs that the country had ever been occupied. The fact was tragic enough to the participants at the time, but when the danger was over it was treated as a joke. "The runaway scrape" became the recognized name of this episode.

Starting from Gonzales a little before midnight on the fourteenth of March, Houston by the afternoon of the seventeenth was encamped with about six hundred men at Burnham's Crossing, on the Colorado, not far from the present town of La Grange. On the same day General Gaona, with his brigade, reached that river at Bastrop, higher up, where he was delayed by floods; and from this time forward he ceased to be a factor in the campaign. Ramírez y Sesma at the same time was on the march for San Felipe, and was somewhere between Gonzales and Columbus. Urrea had just reached Goliad, and Santa Anna, with the rest of the army, was at Béxar, nearly a hundred miles distant from any one of his three detachments.

After halting at Burnham's for two days, Houston crossed the Colorado to the east bank, and marched down on that side to Beason's Ferry, nearly opposite the site of the present town of Columbus, where he remained for about a week, drilling, organizing, sending out appeals for men and supplies, and doing his best to allay the panic among the settlers.

Meanwhile the Mexican advance, numbering about seven hundred men under Ramírez y Sesma, had reached and halted upon the opposite (right) bank of the Colorado; but as Houston had secured all the boats and the river was in flood, they were unable to cross. On March 24, therefore, Ramírez reported to Santa Anna, who was still at Béxar, that the Texans were in front of him, twelve hundred strong;[1]

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[1] These figures were, at that time, fairly accurate, as Houston received considerable accessions while encamped on the Colorado.—(E. C. Barker, "The San Jacinto Campaign," in *Tex. Hist. Quar.*, IV, 244.)

that until he was reinforced a crossing in the face of the enemy was impracticable; and that when reinforcements arrived he proposed crossing fifteen leagues or more further down.[1]

This report came in time to confirm the arguments of Filisola and Almonte as to the danger of dividing the army. Concentration was at once attempted. Gaona was ordered to march from Bastrop for San Felipe, Urrea was ordered to proceed from Victoria in the same direction, and Ramírez was directed not to attempt to cross the Colorado unless the Texans should retire, and was notified that six hundred men had started from Béxar to reinforce him. But before these orders reached Ramírez, Houston had received the news of Fannin's surrender, and had retreated once more, abandoning the line of the Colorado and falling back to the Brazos. Why he did so was never adequately explained. On March 28, he reached San Felipe, and on the next day marched up the west bank of the Brazos River, leaving a force of over one hundred men in San Felipe, and sending another hundred down the river to Fort Bend, near Richmond.[2] That evening, March 29, after a difficult march over muddy roads and in the midst of heavy rain, he encamped on Mill Creek, a tributary of the Brazos, quite undecided as to the future movements of his force. But by the thirty-first he had placed himself in what he considered a "secure and effective position" on the west bank of the river at Groce's Ferry, some fifteen miles above San Felipe, where he found and detained a steam-boat; and there he remained for a fortnight.

Santa Anna himself had arrived at the Colorado River on April 5, where he found that Ramírez y Sesma was across with a part of his force. Leaving Filisola to hasten the movements of the rest of the army, Santa Anna set out with the leading brigade for San Felipe, which he reached on the morning of April 7. He found the place abandoned and in ruins—having been burned either by the flying citizens or by Houston's men. On the opposite (east) bank the detachment of a hundred Texans or more were still on guard; but the Brazos also was in flood, the Texans had secured all the boats, and Santa Anna was unable to cross. He had no pontoons, and to make boats or rafts capable of ferrying over his men and guns would (he asserted) be the work of ten or twelve days. According to his critics, it could have been accomplished in three.

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[1] Filisola, II, 441.

[2] It is perhaps more accurate to say that these men refused to follow Houston's march up the river, which appeared then and appears now, an entire waste of effort. See *Tex. Hist. Quar.*, IV, 246.

Santa Anna's impatient disposition could not endure a delay. Although Filisola was not yet up, and nothing had been heard of Gaona, who was supposed to be on the march from Bastrop to San Felipe, Santa Anna judged Houston to be in a desperate situation, and he therefore determined to make, as he said, a reconnoissance for ten or twelve leagues *down* the river. Why he went *down* the river when he knew that Houston had gone *up*, is one of the mysteries of this singular campaign.

Taking with him only a hundred men, Santa Anna started southwesterly on April 9 from San Felipe, then followed the valley of the San Bernardo River for some distance, then turned east, and on Monday, the eleventh, again reached the banks of the Brazos, at Thompson's Ferry, at the "Old Fort," or Orozimbo, some twenty miles below the modern town of Richmond. Here he seized two or three boats, which gave him the means of crossing the river, and sent back for the troops that were encamped at San Felipe. Ramírez y Sesma, with his men, joined him two days later.

At Thompson's Ferry Santa Anna was informed that Burnet and Zavala—the President and Vice-President of Texas—with other leaders of the insurrection, were at Harrisburg, only twelve leagues (really about thirty miles) away, and that they could easily be captured by a prompt movement. As they had no military guard, it would have been quite sufficient to send a troop of cavalry to effect the arrest of these ten or a dozen civilians; but Santa Anna, probably for the sake of effect, decided to go himself at the head of a considerable force.

The day after Ramírez joined him, Thursday, April 14, orders were sent to Urrea directing him to hurry forward and occupy Brazoria, and to send small parties up and down the west bank of the river.[1] Cos, with five hundred men, was detached from the main body and ordered to Velasco, at the mouth of the Brazos, with orders to march thence along the sea-shore toward Galveston Bay. By the same afternoon Santa Anna himself crossed the river with about seven hundred and fifty men, leaving Ramírez in command at Thompson's Ferry, and also leaving sealed orders for Filisola, who was then on his way from San Felipe. The commander-in-chief was now more convinced than ever that the insurrection was practically at an end. He had, indeed, some apparent justification for his confidence. He had marched two-thirds of the distance from the Rio Grande to the Sabine; he had thus far overcome every obstacle; and he had seen the only organized force of Texans constantly retreating before him.

The next evening, Friday, April 15, Santa Anna was in Harrisburg, but found it in flames and deserted, the President and his cabinet having fled to Galveston. Santa Anna thereupon decided to push on to eastern Texas, following the road through Lynchburg, or Lynch's Ferry, over the San Jacinto River, distant about fifteen miles.

On Saturday morning he sent his aid, Colonel Almonte, with a small escort, to reconnoitre the ferry and the shores of Galveston Bay as far as New Washington. Almonte, who had been secretary of the Mexican legation to the United States, and spoke English perfectly, reported the next day that he had talked to a number of colonists, and had learned that Houston was retreating to the Trinity River by way of Lynchburg.[2]

Santa Anna believed that the time had now come to strike a final blow, and to destroy the flying and demoralized enemy.

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[1] See text in Filisola, II, 447. Urrea received his orders on April 15.

[2] Santa Anna had written to Urrea on the thirteenth: "the so-called Gen. Houston appears to be marching for the said point [Harrisburg] and has about 600 or 800 men altogether, and is the only hope of the traitors."—(Filisola, II, 448.)

> "To cut off Houston from the ferry," he wrote in his official report, "and to destroy at one blow the armed force and the hopes of the rebels, was too important to let the opportunity escape. It was my intention to seize the Lynchburg Ferry before he came up, and avail myself of the advantages of the ground. My first step was limited to reinforcing the detachment accompanying me, which consisted of one piece of artillery, seven hundred infantry and fifty cavalry, so as to make it as superior in numbers as it was in discipline; and I ordered General Filisola to stop General Cos's movement on Velasco, which my previous orders had directed, and to send forward promptly five hundred picked men from the infantry to join me at the earliest possible moment. . . . But as Colonel Almonte was at the port of New Washington, on the shores of Galveston Bay, engaged with the enemy's vessels, and as it was necessary at the same time to make sure of the supply of provisions which he had managed to collect, I made one day's march to that point, arriving in the afternoon of the eighteenth."[1]

At New Washington (a hamlet of four or five houses) Santa Anna, with his seven hundred and fifty men, remained from Monday afternoon, the eighteenth of March, to Wednesday morning, the twentieth. He had put himself in a very dangerous position. He was at least thirty miles from the main body of his army, and Houston, with a superior force, was now virtually interposed between the two divisions. Moreover, the detaching of Gaona in one direction and of Urrea in another had greatly diminished the numbers which Santa Anna could in any event rely on, and an active and vigilant commander on the Texan side might have successively fought these fractions and beaten them in detail.

Houston, however, though vigilant, was far from active. He had been most averse to stirring from his camp at Groce's Ferry in search of adventures of any kind. His responsibility he felt to be extremely heavy—no less, indeed, than the total loss of Texas; and it is highly probable that, with the ingrained distrust of the regular army officer, he doubted the capacity of his un-uniformed, unorganized, undisciplined, and undrilled volunteers to stand against an army which he believed to be superior to his own, both in equipment and in discipline. He did not, indeed, exaggerate the Mexican numbers, for his reports as to all the enemy's movements proved to be, in general, surprisingly accurate; but his hesitations and misgivings were apparently due solely to his sense of the enormous disaster that would follow a defeat. He could not bring himself to stake all his fortunes on the result of a single battle.

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[1] Santa Anna's *Manifiesto*, 63.

Houston's citizen-soldiers were of a very different mind, and were not at all disposed to be chary of advice or to refrain from criticism; but he kept his own counsels and refused to be hurried into courses he did not approve. On his arrival at the Brazos he wrote to the Secretary of War of the grumblings of his men. "Many wished me to go below, others above. I consulted none—I held no councils of war. If I err, the blame is mine. . . . There was on yesterday, as I understood, much discontent in the lines because I would not fall down the river."[1] But a fortnight later he reported that under the most disadvantageous circumstances he had kept an army together "where there has not been even murmuring or insubordination."[2] The revolutionary government of Texas also kept up a fire of criticism, but he contented himself with temperate and straightforward statements of the difficulties of his position.

The silence of his men does not seem, however, to have been due to acquiescence in Houston's policy, or to confidence in his methods. On the contrary, it was rather the silence of conspirators, for the project of a mutiny, and of deposing him from command were seriously discussed.[3]

In spite of complaints and criticisms Houston, however, held on doggedly to his position at Groce's Ferry for nearly a fortnight, but at length, on Monday, the eleventh of April—the day on which Santa Anna reached Thompson's Ferry, lower down the river—he made up his mind that it was time for him to move. He was in no hurry. Orders were sent to all his parties along the river to join him at a designated place, and on the Tuesday morning he began crossing in the steam-boat he had seized—an operation which consumed two days. Having got his whole force over, with the wagons and horses, he halted on the east bank of the river until all the outlying parties had come up and he had received two four-pounder guns—a gift from the people of Cincinnati. And then on Saturday, the sixteenth of April, everything being ready to his mind, he left the Brazos and began his march to the east. It was the day after Santa Anna had occupied Harrisburg.

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[1] Houston to Rusk, March 29, 1836; Yoakum, II, 485.

[2] Houston to Thomas, April 13, 1836; *ibid.*, 497.

[3] *Tex. Hist. Quar.*, IV, 240, 282, 302, 311, 331.

What Houston's plans were, if indeed he had any definite plans, he divulged to nobody; and when the eastward march was begun the army were in doubt as to whether they were not to fall back as far as Nacogdoches. About twenty miles east of the Brazos the road forked. The left-hand branch led to Nacogdoches, the right-hand branch to Harrisburg.

> "All expected a scene at the forks of the road," one of the men related afterward, "for it was generally agreed that if the commander-in-chief did not order or permit the army to take the right hand road, he was then and there to be deposed from its command. I do not believe that General Houston gave any order whatever as to which road should be followed, but when the head of the column reached the forks of the road it took the right hand without being either bid or forbid."[1]

But whether Houston led the army or the army led him, it was at any rate generally believed that the time for retreating had passed, and that the troops were at last to be allowed to have a fight. On Monday afternoon they reached the Buffalo Bayou at a point opposite Harrisburg. There they learned that Santa Anna had left the town that same morning, marching toward New Washington, so that instead of retreating they were now pursuing the enemy, and were only a few hours behind him. The men were naturally in the highest spirits.

Next day "Deaf" Smith, one of Houston's excellent scouts, who has since become the hero of many traditional stories in Texas, was lucky enough to capture a certain

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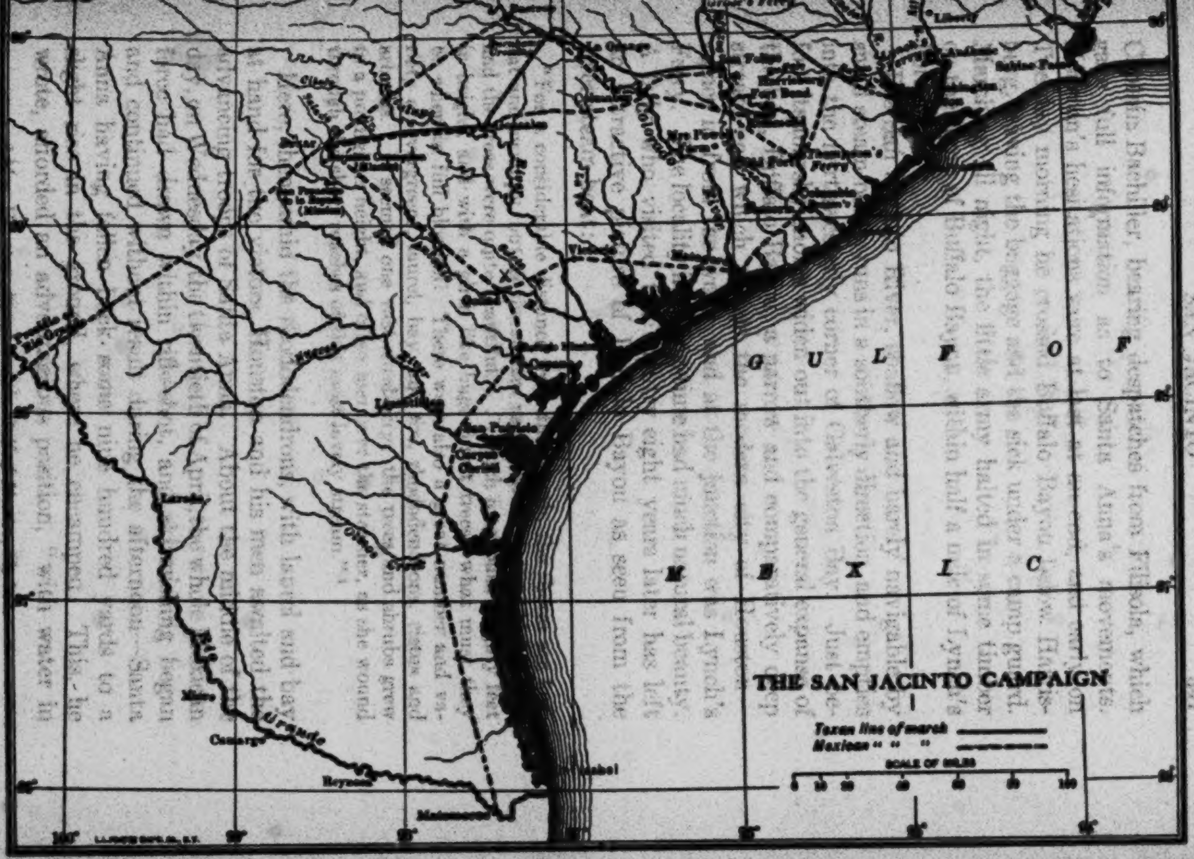
[1] *Tex. Hist. Quar.*, IV, 302; another eye-witness has recorded the "loud and joyous shouts" which greeted the turn to the right.—(*Ibid.*, 313.)



THE SAN JACINTO CAMPAIGN

GULF OF MEXICO
Texan line of march
Mexican " " "
SCALE OF MILES
0 10 20 40 60 80 100
Liberty
Sabine Pass
Galveston
Harrisburg
San Felipe
Fort Bend
La Grange
Colorado
Gonzales
Bexar
Victoria
Goliad
Copano
Refugio
San Patricio
Corpus Christi
Laredo
Mier
Camargo
Reynosa
Matamoros
Rio Grande
Nueces River
Olmos Creek
Presidio de Rio Grande
Brazos
Isabel

steam-boat he had seized—an operation which consumed two days. Having got his whole force over, with the wagons and horses, he halted on the east bank of the river until the outlying parties had come up and he had received two four-pounder guns—a gift from the people of Cincinnati. And then on Saturday, the sixteenth of April, everything being ready to his mind, he left the Brazos and took up his march to the east. It was the day after Santa Anna had occupied Harrisburg.

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Captain Bachiller, bearing despatches from Filisola, which gave full information as to Santa Anna's movements. Houston's hesitations were at last at an end, and early on Tuesday morning he crossed Buffalo Bayou below Harrisburg, leaving the baggage and the sick under a camp guard. Marching all night, the little army halted in some timber on the shore of Buffalo Bayou, within half a mile of Lynch's Ferry.

The San Jacinto River, shallow and barely navigable by small steam-boats, runs in a southerly direction, and empties into the northwesterly corner of Galveston Bay. Just before its marshy shores widen out into the general expanse of the bay, Buffalo Bayou, a narrow and comparatively deep stream—on which stands the modern city of Houston—comes in from the west; and at the junction was Lynch's Ferry. The locality in spring-time had much natural beauty. A lady who visited the country eight years later has left an attractive picture of Buffalo Bayou as seen from the river steam-boat:

> "For a considerable distance from the mouth, the shores are low, flat and swampy, but as the stream narrowed there were high banks and the trees were quite beautiful. . . . Such magnolias—eighty feet in height, and with a girth like huge forest trees—what must they be when in full blossom! There were also a great number and variety of evergreens, laurel, bay, and firs, rhododendrons, cistus and arbutus. It seemed one vast shrubbery; the trees and shrubs grew to a prodigious height, and often met over the steamer, as she wound through the short reaches of this most lovely stream." [1]

Here, then, amid the rhododendrons, with laurel and bay at hand for the victors, Houston and his men awaited the advancing troops of Santa Anna. About the middle of the day, on Wednesday, the twentieth of April, the whole Mexican force had drawn within rifle-shot, and skirmishing began and continued without result during the afternoon—Santa Anna having fallen back some nine hundred yards to a slight rise in the ground, where he encamped. This, he wrote, afforded an advantageous position, "with water in the rear, a thick wood on the right down to the banks of the San Jacinto, a broad plain on the left, and open ground in front."[1] It was not quite open, for there were some clumps of trees; but in the main there was a level prairie in front and on his left.

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[1] Mrs. Houston, *Texas and the Gulf of Mexico*, II, 181.

During the night he occupied himself in strengthening his position. A sort of breastwork made by piling up the packs and baggage secured the more or less exposed left of the line, which was further strengthened by the one gun which Santa Anna had brought with him and by the whole of his cavalry.

Houston had stood pretty much on the defensive all day Wednesday, and he did not venture a night attack—a course for which he was afterward severely criticised; and indeed it is hard to understand why, with a superiority, or at least an equality in numbers, he should have delayed his attack when he was aware that within a few hours the Mexicans must certainly receive considerable reinforcements. At nine o'clock on Thursday morning General Cos arrived, after a rapid march from the Brazos. He had started with five hundred men, according to orders; but he only brought four hundred with him into camp, the rest having been left near Harrisburg as an escort for the supply-train.

Houston still held his ground, very likely expecting that he would be attacked; but at half past three in the afternoon, no attack having been made, he ordered his men to be paraded, having, as he reported, ordered a bridge about eight miles off, on the only road leading to the river Brazos, to be destroyed.[2] Protected by the woods along Buffalo Bayou, the Texans were mustered without attracting the enemy's attention, and when all was ready moved quietly forward until they emerged from the wood, and then made a rush for the Mexican line.

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[1] Santa Anna's *Manifiesto*, 64. A swamp behind and a wood close by, affording cover for the enemy's active scouts, would probably not have been considered an advantageous position by most commanding officers.

[2] "Deaf" Smith burned this bridge which crossed Vince's Creek, a tributary of Buffalo Bayou. There was some controversy afterward as to whether Houston ordered it destroyed or whether Smith did so on his own responsibility.

> "Our cavalry," to quote from Houston's official report, "was first despatched to the front of the enemy's left, for the purpose of attracting their notice, while an extensive island of timber afforded us an opportunity of concentrating our forces and deploying from that point, agreeably to the previous design of the troops. Every evolution was performed with alacrity, the whole advancing rapidly in line, through an open prairie without any protection whatever for our men."[1]

The Mexican camp was entirely unguarded. Apparently every ordinary precaution had been neglected. The horses were unsaddled, the men were cooking or eating, and Santa Anna himself was taking a siesta. Before the Mexican line could be formed the Texans were upon them. "The enemy," reported Santa Anna, "continued their rapid charge with tremendous shouts (*"descompasados gritos"*), and in a few minutes gained such a victory as could not have been imagined."[2] Santa Anna, however, did not choose to relate what these shouts were. The Texans, as they came over the breastwork, were yelling at the top of their voices: *"Remember Goliad!" "Remember Tampico!" "Remember the Alamo!"*

The action, if that may be so called which was nothing but a fierce rush by the Texans and a headlong flight by the Mexicans, was very quickly over.

> "The conflict in the breastwork," to quote Houston's report again, "lasted but a few moments; many of the troops encountered hand to hand, and, not having the advantage of bayonets on our side, our riflemen used their pieces as war-clubs, breaking many of them off at the breech. The rout commenced at half past four and the pursuit by the main army continued until twilight."[3]

"Such slaughter on one side, and such almost miraculous preservation on the other," wrote another participant in the battle on the day after the event, "have never been heard of since the invention of gunpowder."[4]

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[1] Houston to the President of Texas, April 25, 1836; Yoakum, II, 500.
[2] Santa Anna to the Secretary of War, March 11, 1837; in his *Manifiesto*, 67.
[3] Yoakum, II, 501.
[4] Letter of Capt. Tarlton, April 22, 1836; Kennedy, II, 228.

The aspect of the field of battle on the following morning told the story. Along the front of the Mexican position lay the bodies of General Castrillon and several other officers and some fifty soldiers. In the wood on the Mexican right and about the camp there were some additional bodies, making perhaps a hundred dead in all. On the left of the position over the prairie, "as far," says a Mexican eye-witness, "as the eye could reach, I observed to right and left two lines of corpses—all our men." But the chief scene of destruction was in the rear of the camp, where a gully led down toward the lagoon and marsh which, in Santa Anna's opinion, made his position so advantageous. "There were an infinite number of dead," says the same witness, "piled one upon the other, till they might have served as a bridge."[1] The unfortunate fugitives had tumbled headlong into the water and mud, and had been shot like rabbits.

Houston officially reported the Mexican loss as six hundred and thirty killed, two hundred and eight wounded, and seven hundred and thirty prisoners,[2] against a Texan loss of two killed and twenty-three wounded. The destruction of Vince's Bridge had served to cut off the retreat of many fugitives, and, in fact, not more than about forty of Santa Anna's entire force ultimately escaped. It is amusing to note that in the lists of Mexican killed, wounded, and captured there were three generals and twenty-one colonels or lieutenant-colonels, for a force of eleven hundred and fifty men.[3]

The completeness and rapidity of this victory inevitably recalled the exploits of Cortés against the ancestors of the same poor docile Indians who formed the rank and file of Santa Anna's army. The reasons why these swift and sweeping victories were possible were the same in both cases.

[1] Caro, *Verdadera Idea*, 44.

[2] Yoakum, II, 501. The figures of the Mexican loss are certainly exaggerated, for Santa Anna had not more than eleven hundred and fifty men in all. Houston's report as to the number of his prisoners is very likely exact, the error consisting in an overestimate of those who were killed in a pursuit which extended about eight miles, namely, to Vince's Bridge.

[3] General Cos, who had in effect violated his parole, was one of the prisoners. For details as to his capture, see Brown, II, 41.

The Mexican Indian had never been a fighting man. He could be cruel and blood-thirsty when roused. His endurance and patience made him admirable in marching under adverse conditions, and his Spanish officers could lead him or drive him into battle, or even hold him steady under severe fire. But he never learned to shoot straight, and he never learned to withstand a determined rush by men of the warlike races either of Europe or America. He feared and ran from the Apache, just as he fled from the Spaniard, or as he fled from the descendants of Germans and Irish and English when they came roaring over the breastwork at San Jacinto and knocked him on the head with their clubbed rifles. He could not fight for himself any more than he could colonize or govern. He never did either if he could help it; and he was perfectly willing, as a rule, to leave these uncongenial duties to the descendants of his Spanish masters. It was only here and there that an exceptional man like Guerrero served to make more conspicuous the weakness and inefficiency of his race.

The morning after the battle, when the heat of the pursuit had died away and the full measure of their triumph had become so apparent to the Texans that their antipathy to the Mexicans had turned into pity, a party of men were scouting over the prairie to pick up escaping Mexicans. About eight or ten miles from the battle-field they saw the head and shoulders of a man above the tall sedge grass. When he caught sight of his pursuers he lay down, evidently hoping to escape observation, but they galloped up to him and ordered him to get up. As he lay still, one of them said, "Boys, I'll make him move," levelling his gun at the same time. "Don't shoot," said the others; and getting down from his horse, one of them gave the prostrate form a kick, saying: "Get up, damn you!" The man slowly rose and addressed his captors in Spanish, which one of them spoke imperfectly. They understood him to say that he was not an officer, and that he belonged to the cavalry. He was roughly dressed, but wore a fine shirt and good shoes. As he rode into camp behind one of the Texans, the

Mexican prisoners saluted, exclaiming, "*El presidente!*" It was Santa Anna.[1]

His captors took him at once to Houston, who was wounded in the ankle, and was sitting under a tree. It was manifest that Santa Anna's life, now he was recognized, was in imminent danger; but Houston had enough control over his men to protect the prisoner for the moment.

With a single eye to his own safety, Santa Anna at once proposed to enter into negotiations for his liberation, upon the basis of the recognition by Mexico of Texan independence; but Houston declined to go into that business at all, and said that all such matters must be referred to the Texan government. He did, however, demand as a preliminary that Santa Anna should send an order to his second in command, directing him to evacuate Texas; and Santa Anna, without hesitation, dictated the following despatch, addressed to General Filisola:[2]

> "YOUR EXCELLENCY:
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> "The small division under my immediate command having had an unfortunate encounter yesterday afternoon, I find myself a prisoner of war in the hands of the enemy, who have extended to me all possible consideration. Under these circumstances I recommend your Excellency to order General Gaona to march back to Béjar and await orders, as your Excellency will also do with the troops which are under your immediate command; at the same time warning General Urrea to retire with his division to Victoria; since I have agreed with General Houston upon an armistice pending certain negotiations which may put an end to the war forever."[3]

The touch about an armistice, added near the end of this hasty and agitated letter, was untrue. No agreement of the kind had been made.

But long before Filisola received this letter he had made up his mind to retire from the position he was holding at Thompson's Ferry. The news of the disaster at San Jacinto reached him on Saturday, two days after the battle, through Colonel García, who commanded the escort of a hundred men which Cos had left with his supply-train near Harrisburg. García's report was that Santa Anna was either dead or a prisoner, and that while reports of the Texan strength varied, some of the prisoners put it as high as twenty-five hundred men.

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[1] The various conflicting accounts of Santa Anna's capture are collected in *Tex. Hist. Quar.*, V, 92–95.

[2] The private secretary's account of the circumstances attending the preparation of this paper will be found in Caro, *Verdadera Idea*, 44 *et seq.*

[3] The correct Spanish text is given in Santa Anna's *Manifiesto*, 87, and in Filisola, II, 481, with one important misprint—*comunicaciones* for *consideraciones*. A fac-simile of the original duplicate of the order is in Yoakum, II, 148; but the English translation there given is inaccurate.

At this time the line of the Brazos River was held by three detachments of Mexican troops. Urrea was at Brazoria with the main part of his force, not quite a thousand in number. At Columbia, about eight miles farther up, he had about two hundred men more, under Colonel Salas. Filisola himself was at the Old Fort, about thirty miles above Columbia, with some fourteen hundred men, made up of the remnants of the brigades of Ramírez and Tolsa, and of the detachment under Gaona, who had finally joined the main body after unexplained delays. Not only was the army thus divided, but the position at the Old Fort was, in Filisola's opinion, a very weak one. His first move, therefore, was to concentrate all the troops within reach, for which purpose he ordered Urrea and Salas to march at once to Mrs. Powell's farm, which was situated in an open prairie, about twelve miles (five leagues) west of the river, and equidistant from the Old Fort and Columbia.

On Sunday, the twenty-fifth, the concentration was completed, the entire force amounting, according to the official returns, to twenty-five hundred and seventy-three men. In addition, there was a garrison of a thousand men at Béxar, and small detachments at Copano, Goliad, Matagorda, and other points; so that the total Mexican force in Texas at this time was officially given at four thousand and seventy-eight.[1] This showed a loss of over thirty per cent since the opening of the campaign. Moreover, the condition of the troops and their equipment, according to the usually pessimistic Filisola, was very bad. The men's clothes were in rags; they had no shoes, and no shelter; there were no surgeons and no medical stores; and if they were wounded or fell ill they could have no spiritual help, since there was not a priest to say mass. There were immense numbers of women following the army, besides teamsters and muleteers, so that the number of persons to be fed was double the fighting force. The number of mules was excessive, and both horses and mules were in wretched condition. But what was worst of all was the lack of provisions. Since they had left Monclova the army had been on short allowance, for the inhabitants had fled, and this cotton-growing country was a desert, and there was little prospect of getting any supply by water.[1]

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[1] Filisola, II, 475.

Strategic conditions could only be guessed at. It was then quite unknown to the Mexican officers what Houston's force had been at the time of the battle, what losses he had sustained, and what reinforcements he might receive. It was fifty miles in a straight line from Mrs. Powell's to the San Jacinto, with a large river, the Brazos, to be crossed on the way. If the army ever got to the scene of the late battle, there was no certainty that they would find the Texans.

> "The state of the enemy," writes Filisola, "was very different. He was in his own country. He was in possession of three steamboats and several small schooners, with which he could make raids with impunity, from Galveston or Culebra Island,[2] up the rivers on our right flank or rear and could also put in peril our detachments at Copano, Goliad and Matagorda."[3]

Filisola, therefore, summoned a council of war the moment he reached Mrs. Powell's, and the conclusion was reached to continue the retreat at least beyond the Colorado.[4] All this time nothing had been heard of Santa Anna.

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[1] Filisola to Secretary of War, May 14, 1836; *Defensa*, 46–56.

[2] In Matagorda Bay.

[3] Filisola, II, 478.

[4] This was Filisola's report to the War Department at the time.—(*Defensa*, 50.) Subsequently Urrea announced loudly that he had opposed the retreat from the Brazos River and had favored an advance. Filisola asserted that all Urrea had then said was that he was sorry the army had to retreat, but had full confidence in the experience and skill of the second in command; and

On Tuesday, the twenty-seventh of March, the whole force started for Victoria, on the Guadalupe River. For a week Filisola struggled on in the midst of torrents of rain—the soil turning to liquid mud in which his mules sank up to their packs, the road strewn with men, guns, ammunition, and provisions—until at length, on the second of May, he reached the Colorado.[1]

It was only on the twenty-eighth of April, during this miserable march, that Filisola was overtaken by Santa Anna's orders. The answer Filisola sent was intended for Houston's reading. He reported that he had concentrated his forces as soon as he had heard of the battle of San Jacinto, and had retired from the Brazos so as to be better able to take the initiative against the enemy; but that in view of Santa Anna's letter, and the circumstances therein disclosed, and of his (Filisola's) desire to give a proof of his affection for the commander-in-chief and the other prisoners, he had determined to cross the Colorado and cease hostilities in spite of his responsibility to the government; but that he must be assured that all the prisoners were treated with entire respect. And he added that the prisoners he held (being chiefly those spared at Goliad) were well cared for.

Three days after crossing the Colorado Filisola received further orders from Santa Anna directing him to withdraw to Monterey, leaving in all Texas only four hundred men, at Béxar, with a couple of guns, to protect the sick and wounded. Filisola then fell back as far as Goliad, where he halted for several days before resuming his march for the Rio Grande; but in the middle of June he was superseded, under orders from Mexico, by General Urrea.

Meantime, even Béxar was being evacuated. On the twenty-fourth of May the Mexican troops marched out, after setting fire to the Alamo. The church, being of solid masonry, would not burn, but the old convent was almost completely destroyed. "All the single walls were levelled, the fosse

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Filisola called the other officers who were present, Gaona, Sesma, Tolsa, Woll, and Ampudia, to witness.—(*Defensa*, 25, 34.)

[1] Filisola (*Defensa*, 50–54) gives a most graphic account of this march.

filled up, and the pickets torn up and burned. All the artillery and ammunition that could not be carried off were thrown in the river."[1] Ten or fifteen years afterward it was difficult to trace the outlines of the walls and ditch; but the church was restored, to remain a venerated relic for many future generations.

While the remnants of the Mexican army were thus withdrawing beyond the Rio Grande Santa Anna was busy negotiating with the Texans. President Burnet had arrived from Galveston at the San Jacinto battlefield on the steamer *Yellowstone* on the fifth of May, 1836, two weeks after the battle, and he took up the discussion, Houston leaving shortly afterward to go to New Orleans for surgical treatment.[2]

The first difficulty the Texan officials had to contend with was the very natural feeling in the army and throughout the country that the massacres at the Alamo and at Goliad ought not to go unpunished.

> "What will my countrymen do," wrote one Texan when he heard of Santa Anna's capture, "in the way of reprisal for outrages committed by this monster? What ought they to do? . . . What does not the killing of Grant and his men, taken by surprise and unable to fight, and the wanton murder of King and his dozen, after they could fight no longer, and that worst of outrageous atrocities, the massacre at Goliad, in violation of pledged faith and solemn stipulation, deserve? I will not say retaliation, but a just vengeance on the author of these enormities."[3]

This feeling was not confined to private individuals, but was shared by some of President Burnet's immediate entourage. Two of his cabinet—Lamar and Potter—were strongly opposed to the idea of showing any leniency. They believed that Santa Anna should be treated as a murderer, and they urged that he be brought before a court-martial and shot.[4]

[1] Reminiscences of Dr. Bernard (an eye-witness), in *Comp. Hist.*, I, 634.

[2] He left Galveston on the eleventh, and reached New Orleans, on the *Flora*, May 22, 1836.—(*Tex. Hist. Quar.*, XII, 251.)

[3] Reminiscences of Dr. Bernard, May 6, 1836; *Comp. Hist.*, I, 631.

[4] See Lamar's views, at some length, in Brown, II, 56–61.

General Cos also was the object of great hostility. He had been released at Béxar in the previous December, on a promise which was, in effect, that he would not bear arms again against Texas, and he might be justly considered in the light of one who had deliberately broken his parole.[1]

Nevertheless the Texan government, with commendable self-restraint and a wise regard for the opinion of other countries, ultimately decided that both Santa Anna and Cos, as well as the rest of the prisoners, must be treated with every consideration. On the fifth of May it was thought best to remove the chief prisoners to Galveston, probably because there was a doubt as to their safety in the midst of the army; but Galveston offered no accommodations, and accordingly Santa Anna and the Texan Cabinet sailed amicably together to Velasco. On the fourteenth of May, 1836, shortly after arriving at Velasco, Santa Anna and Burnet signed two "treaties"—one public and the other secret—which the Texan authorities hoped would result in securing their independence.[2]

By the public treaty Santa Anna agreed that he would not take up arms himself, nor exercise his influence to cause them to be taken up, against the people of Texas "during the present war of independence"; that all hostilities should cease; that the Mexican troops should evacuate Texas, going beyond the Rio Grande; and that all private property, "including horses, cattle, negro slaves or indentured persons" ("*gente contratada*"), captured by or who had taken refuge with the Mexican army, should be restored. It was further stipulated that there should be an exchange of prisoners, the surplus remaining in the hands of the Texans to be kindly treated, and that Santa Anna should be sent back to Vera Cruz.

In the secret treaty Santa Anna further promised to arrange matters with the Mexican Cabinet so that a Texan mission would be received, Texan independence acknowledged, and the boundaries between Mexico and Texas established, "the territory of the latter not to go beyond the Rio Bravo del Norte." It was also declared that, as Santa Anna's return to Mexico was "indispensable for effecting his solemn engagements," the government of Texas would provide for his immediate embarkation for Vera Cruz.

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[1] The Mexican authorities were very anxious in regard to Santa Anna. Reiterated orders were sent to Filisola by the War Office to do his utmost to secure the President's liberation, and to do nothing to endanger his life.—(Filisola, II, 499, 501, 506.)

[2] The English text of these treaties will be found in Yoakum, II, 526, and elsewhere. The Spanish text is in Santa Anna's *Manifiesto*, 94–96.

Whether Santa Anna could have brought about peace on the terms proposed, if he had tried to do so, must remain the merest conjecture, for he never did try. In fact, according to his own published statement, he never meant to try, and all his written and verbal assurances were part of an elaborate and successful effort on his part to save his life and secure his liberty by throwing dust in the eyes of the Texans.[1]

The Mexican authorities seem to have anticipated some attempt at treachery on his part, for on May 20, 1836, the moment Santa Anna's capture was known in the capital, Congress passed a law directing the government to take measures to "excite the patriotism" of the people, to recruit the army, and to secure the liberty of the President; but in doing so they were to pay no attention to "any stipulations with the enemy which the President while imprisoned has made or may make, which stipulations shall be regarded as null, void and of no effect."[2]

The Mexican authorities also lost no time in bringing this action officially to the attention of the government of the United States. On July 9, 1836, the Mexican minister in Washington wrote officially to the Secretary of State, to give notice that no agreements made by Santa Anna would be regarded as binding upon his government.[3]

In spite of the treaties, his life at this moment was still in very serious danger. He had embarked on the Texan schooner *Invincible*, to sail for Vera Cruz, and had written and published a farewell to the Texan army,[1] when the steamship *Ocean*, with two hundred and fifty American volunteers on board, very inopportunely arrived at Velasco. These warriors were not at all satisfied with the arrangements which had been made by the government, and they forbade the sailing of the *Invincible*. In this they were supported by many of those already in Texas who had previously demanded Santa Anna's execution. The government was too weak to prevent Santa Anna's being seized and carried ashore, but after a great deal of effort it managed to prevent his being shot. The favorite plan was to carry him off to Goliad and execute him there; but Austin, who returned to Texas about the first of July, and Houston, who returned late in the same month, were active and earnest in protesting against this policy of retaliation.

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[1] Santa Anna's *Manifiesto*, 29–42.

[2] Dublan y Lozano, III, 162.

[3] Gorostiza to Forsyth, July 9, 1836; Sen. Doc. 1, 24 Cong., 2 sess., 36.

At Austin's suggestion Santa Anna, on July 4, wrote a letter to President Jackson, enclosing copies of the two treaties, and begging him to use his influence to have them carried out, and to aid in putting Texas in a strong and independent position.[2] Jackson replied on September 4, from his home in Tennessee, to the effect that the government of the United States would always gladly do all it could "to restore peace between contending nations or remove the causes of misunderstanding"; that it never could interfere with the policy of other powers, and that in this case the United States was forbidden from considering the treaties to which Santa Anna referred by reason of the notification made by the Mexican government.

"Under these circumstances," continued the writer, "it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any steps like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it."[1]

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[1] This strange document was as follows:

"My friends! I know that you are valiant in war and generous after it; rely always on my friendship and you will never regret the consideration you have shown me. Upon my returning to the land of my birth, thanks to your kindness, accept this sincere farewell from your grateful

ANTONIO LOPEZ DE SANTA ANNA.

VELASCO, June 1, 1836."

[2] See Spanish text in Santa Anna's *Manifiesto*, 102; English translation in Sen. Doc. 84, 24 Cong., 2 sess., 3.

This rather cool reply was not of itself particularly useful to Santa Anna; but the fact that he was in correspondence with General Jackson, and was asking him to join in securing the independence of Texas, was a fact which was made known at once, and which doubtless had a great influence in calming the public mind. Nevertheless, the unfortunate prisoner during all that summer was carried about from place to place, put in irons on one occasion, and otherwise ill-treated; but time was on his side, and the intercession of the most influential men in Texas finally prevailed. On the twenty-fifth of November he sailed from Texas, not for Vera Cruz, but for New Orleans, accompanied by his faithful friend Colonel Almonte.

Travelling slowly up the Mississippi and Ohio, and in a private carriage from Wheeling, they reached Washington in January, 1837, when Santa Anna called upon Jackson, then in very feeble health, and had a confidential interview with him. What passed between them was not important. Santa Anna says they had very little conversation, that the subject of their exchange of letters was touched on, and that Jackson said he had sent copies to Gorostiza, the Mexican minister in Washington.[2] In an undated memorandum Jackson, on his part, wrote that Santa Anna had proposed a cession of Texas to the United States "for a fair consideration." To this rather belated proposal Jackson appears to have replied, first, that the United States could not act in the matter without knowing the disposition of the Texans; second, that until the independence of Texas was acknowledged (a matter then under consideration by Congress) the United States could not "hold any correspondence with her as a nation"; third, that until Mexico, through the regular diplomatic channels, was ready to make some proposition "we cannot speak to Texas"; and, fourth, that if it suited Mexico to cede Texas and Northern California to the United States, this might be made the means of securing permanent tranquillity, "which has been like to have been interrupted by the civil war in Texas."[1]

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[1] Sen. Doc. 84, 24 Cong., 2 sess., 5.

[2] Santa Anna's *Manifesto*, 77. These copies were handed to Gorostiza on Sept. 23, 1836.—(Sen. Doc. 1, 24 Cong., 2 sess., 84.)

Santa Anna spent six days in Washington without accomplishing anything further. The government offered him a passage to Vera Cruz, and he was landed at his native city about the first of March, 1837. He returned at once to Manga de Clavo, which he had left over fifteen months before, and busied himself in writing a long report to the Secretary of War, and a tortuous and impassioned manifesto to the people of Mexico, in which he defended his course at the battle of San Jacinto and after.

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[1] *Jackson MSS.*, in Library of Congress. See *Amer. Hist. Review*, XII, 808. Jackson told the Texan agents in Washington, on Feb. 1, 1837, "that he had conversed freely with Santa Anna in regard to extending the present open Southwestern line so as to include Texas and that their views and wishes were in entire accordance."—(Wharton to Austin, Feb. 2, 1837; *Tex. Dip. Corr.*, I, 180.)

CHAPTER XV

AMERICAN SYMPATHY WITH TEXAS

UNTIL the latter part of the year 1835 the development of Texas excited very little general interest among the people of the United States. Texas and Mexico were far away, and communications were irregular and extremely slow. There were many other matters at home to claim popular attention. During the greater part of Jackson's administration Congress and the people were discussing the removal of the Indians from Alabama and Georgia, the President's disputes with the federal judiciary, the tariff, nullification, and the removal of the deposits from the Bank of the United States. If they turned to foreign affairs, the controversies with Great Britain over the West India trade, and with France over the spoliation claims, were all that seemed important.

In the press, the allusions to Texas were few and widely scattered, except, of course, for the passing interest excited in the summer of 1829, when it was reported that the purchase of Texas was imminent. In Congress, the word Texas seems not to have been pronounced for sixteen years—that is, from the period of the debates over the Florida treaty (about 1820) until the spring of 1836.[1]

Before 1836 there certainly was no such thing as a definite public opinion on the subject of Texas. The few men in the United States who knew anything at all about it believed that Mexico would not be able to govern Texas much longer; and most of them believed that the acquisition of

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[1] There is only one allusion to Texas in the diary of John Quincy Adams between 1827, when he was negotiating for its purchase, and the spring of 1836. This was in January, 1832, when he had a friendly conversation with Senator Johnston, of Louisiana, as to the merits of the Florida treaty, and the possibility of buying Texas.—(*Memoirs*, VIII, 464.)

Texas would be of benefit to the United States, and to the Southern states more particularly. But after the autumn of 1835 conditions were totally changed. The subject of Texas then became one of great and general interest, and in considering the attitude of the government and the people of the United States it is necessary to draw a very sharp and clear distinction between public opinion before that time and public opinion after that time.

It can hardly be too strongly asserted that the people of the United States in general, before the middle of the year 1835, knew little and cared nothing about Texas. And there is no evidence whatever to show that there was then any combination, or conspiracy, or organized movement of any kind, or in any part of the country, which was intended to affect the relations that existed between Mexico and the inhabitants of her Texan possessions.

The very earliest organized attempt to create favorable public sentiment in the United States seems to have been the meeting held on July 14, 1835, at New Orleans—the port through which nine-tenths of the foreign commerce of Texas passed. News had just been received of events in Texas down to June 20, 1835, when the destruction of the state government and the imprisonment of Governor Viesca were causing heated discussion in every Texan village. "A numerous and respectable assemblage of citizens," as the newspapers described it, was organized by the selection of General Felix H. Huston, as chairman.

> "The chair," said the reporter, "addressed the meeting in a spirited and elegant harangue, describing in a manner exceedingly touching the wrongs and sufferings of the people of Texas, and exhibiting the necessity of immediate action on the part of friends of civil and religious freedom in their behalf; after which General H. S. Foote . . . submitted the following resolutions, and accompanied them with elegant and appropriate remarks."

And then follow long and high-flown resolutions of sympathy.[1]

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[1] *Tex. Hist. Quar.*, IV, 145.

Another similar meeting was held at the same place on October 13, 1835, when resolutions were adopted not only expressing the warmest sympathy for the Texans, but promising them every assistance which the neutrality laws of the United States would permit, and appointing a committee to receive donations and expend them in such a manner as might be deemed most expedient for the cause. Within a week the committee had raised seven thousand dollars, and forwarded to Texas the two companies of New Orleans Grays to whom reference has been already made. Other Southern states nearest the scene of action followed rapidly with arms and men. A company from Mississippi was despatched. A Kentucky company was organized in November, 1835, and of its adventures, up to the time of its surrender with Fannin a detailed account has been preserved.[1] Two Georgia companies were raised at about the same time, who also surrendered with Fannin, and their movements have been related by a survivor.[2]

As the news from Texas became more and more warlike, meeting after meeting was held throughout the Union—at Boston, New York, Philadelphia, Cincinnati, Baltimore, and Washington. Men and money and supplies were liberally contributed. The American people from Maine to Louisiana, with hardly a dissenting voice, loudly expressed their sympathy with their Texan neighbors, who were not only of the same blood and the same speech with themselves, but who also appeared to be struggling for a larger autonomy and for religious liberty, and to be upholding the essential principles of ordered freedom against cruel and treacherous enemies.[3] In Webster's words, it was "no more than natural that the sympathies of all classes of our citizens should be excited in favor of a war, founded in the desire and sanctified by the name, of liberty,"[4] and this natural sympathy, as a matter of course, was greatly increased by the blood-thirsty conduct of the Mexican government and its officers in the field.

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[1] William Corner, "John Crittenden Duval," in *Tex. Hist. Quar.*, I, 47–67.

[2] Baker, 244–250.

[3] "Our cause is that of Liberty, Religious toleration and Freedom of Conscience against Usurpation, Despotism and the Unnatural and Unholy Monopolies of the Church of Rome."—(Texan Commissioners to Owings; *Tex. Dip. Corr.*, I, 60.)

[4] Debate on recognition of Texas, May 9, 1836.

Austin and his associates reached New Orleans the first week in January, 1836, and were surprised at the depth and extent of the public interest. But their coming still further stimulated the enthusiasm of the American people. At New Orleans they were able to borrow substantial sums for their government.[1] From New Orleans they went to Nashville, Louisville, and Cincinnati, where they addressed large meetings and noted "the universal and enthusiastic interest which pervades all ranks and classes of society in every part of this country in favor of the emancipation of Texas."[2] In Washington, which they reached about the first of April, they "received the most marked attention"—of course unofficially. And from there Austin and Wharton went to New York, and Archer to Richmond. Wherever they went, these missionaries found large and friendly audiences, and reaped abundant harvests of men and money.

Before the end of February, 1836, hundreds of men from Louisiana, Georgia, Kentucky, Tennessee, Mississippi, and Alabama had reached Texas. Provisions, arms, and money were for months quite openly sent from New Orleans; and as Mexico had no naval force to control the Gulf, the trade in contraband of war went on without the least hinderance. "The Texan colonists," said the Mexican Foreign Minister, "have obtained and do daily obtain from New Orleans, supplies of every kind, in provisions, in arms and munitions of war, in money, in men who are openly enlisted in that city, and who leave there under arms to make war against a friendly nation, and by their mere presence to render more difficult the peaceable solution of a purely domestic question."[3] The movements of these volunteers were, of course, facilitated by the total inability of Mexico to patrol its coast or to guard its land frontier.

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[1] Details as to these loans will be found in E. C. Barker's "Finances of the Texas Revolution," *Pol. Sci. Quar.*, XIX, 612-635. The instructions to the commissioners authorizing them to contract loans, purchase naval vessels, procure arms, etc., are printed in *Tex. Dip. Corr.*, I, 52.

[2] *Tex. Dip. Corr.*, I, 66, 93.

[3] Monasterio to Forsyth, Nov. 19, 1835; H. R. Doc. 256, 24 Cong., 1 sess., 8.

The great majority of those who volunteered for the war in Texas came from the Southern states, but adventurous spirits from the North were not wanting.[1] Thus Doctor J. H. Bernard, of Chicago, with two friends, started for Texas in the early part of December, 1835. At Peoria they were joined by several others, and the whole party went on to St. Louis to take a steamboat for New Orleans. At St. Louis they "found several passengers aboard for Texas." Early in January they reached New Orleans, where the taking of Béxar and the death of Milam had already been dramatized, and was being acted with great applause.[2]

Another case of a Northern man, who, however, was a resident of the South, was that of John A. Quitman. He was born at Rhinebeck, on the Hudson River, the son of a German immigrant who was pastor of the Lutheran Church.[3] When he was twenty-one years old Quitman started for the great West to make his fortune. The great West in 1819 meant the state of Ohio. There he was admitted to the bar, but soon after went down the Mississippi and took up his residence at the frontier town of Natchez, becoming ultimately a very great personage in his state.

In October, 1835, the question of Texas first began to interest him, as it interested thousands of others in the Mississippi valley. "There is war in Texas," he wrote to his brother. "Were I without family I would repair there immediately. Freemen who are struggling for their violated rights should not be left to struggle unaided."[4] Five months later, the news of the fall of the Alamo stirred the hearts of the people of the United States. The dramatic completeness of the event—Travis's appeals for help "to the People of Texas and all Americans in the world," his simple but perfectly sincere declaration: "I shall never surrender or retreat," and the death of every man of his command in a contest against overwhelming odds—were well calculated to arouse the enthusiasm of his American kinsfolk. Quitman, a successful and well-to-do lawyer of thirty-eight, could no longer resist the appeal; and he was but one of hundreds throughout the country.

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[1] As to the Southern volunteers, see James E. Winston, "Kentucky and the Independence of Texas," and "Virginia and the Independence of Texas," *S. W. Hist. Quar.*, XVI, 27–62, 277–283.

[2] Reminiscences of Dr. Bernard, *Comp. Hist.*, I, 608.

[3] Smith's *Hist. of Rhinebeck*, 104. The Rev. Frederick Henry Quitman's pastorate lasted thirty-two years, from 1798 to 1830.

[4] Claiborne's *Life of Quitman*, I, 139.

The interesting details of his adventures are preserved in his letters, written from day to day. He raised a company and set out from Natchez on the fifth of April, acclaimed by the whole city. Steaming down the Mississippi and up the Red River, he and his fellow "emigrants" were at Natchitoches two days after they started. They made a slight detour to avoid the United States troops at Fort Jesup, though Quitman believed the officers sympathized with him. As soon as they were across the Sabine, a military organization was formally adopted, and the company marched rapidly for the front, and met the panic-stricken colonists flying before the Mexican advance. Pushing forward as fast as possible, Quitman and his men at last joined Houston on the field of San Jacinto—two days after the battle.[1]

The Mexican legation in Washington of course protested against all such proceedings, but their communications were rather remarkable for vehemence and emphasis than for a clear apprehension of the facts or for a knowledge of the requirements of American law. The Mexican representatives in Washington had not usually been men of first-rate abilities. From June, 1831, when General Tornel (afterward Santa Anna's Secretary of War) ceased to be minister to the United States, a period of nearly five years elapsed during which Mexico was represented by a succession of chargés d'affaires, and it was not until the beginning of the year 1836 that Santa Anna's administration awoke to the importance of being represented by one of their foremost citizens. The condition of affairs at that time was evidently critical. The summary execution of a number of

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[1] Claiborne's *Quitman*, I, 140–153.

American citizens at Tampico had occasioned a strong protest from the American legation; the supply of men and arms to the insurgents in Texas was beginning to raise important questions; and the physical marking of the boundary line between the United States and Mexico was still to be provided for. It was therefore decided to send what was described as a "mission extraordinary" to the United States "to treat on points of the highest interest" pending between the two countries.

Manuel Eduardo de Gorostiza, appointed envoy extraordinary and minister plenipotentiary, was of Spanish descent, and at the time of his appointment was forty-six years old. He had been educated in Spain, had fought as a boy against the French in the Peninsula, and had been banished in 1823 by Ferdinand VII. He lived three or four years as an exile in London, and then became the Mexican representative at Brussels, London, and Paris successively. Returning to Mexico in 1833, he held several important public offices. He was a successful playwright, a man of literary talents—"witty and agreeable," says Madame Calderon. Butler, the American chargé in Mexico, writing to the State Department of his appointment, called him the "Magnus Apollo of Mexican diplomacy and of literature."[1]

But Gorostiza as well as his predecessors, in their complaints to the State Department, utterly failed to distinguish between assertion and proof, or to master the well-established principles of the federal statute. A newspaper clipping was generally the basis of their communications. They never seem to have furnished the names of witnesses, or to have considered that American courts could not act without evidence. Many of the acts they complained of were not within the statute. It was not an offence against the law to furnish money to insurgents, or to express sympathy for them, or to sell or export arms and munitions of war or other contraband articles,[1] or even to form organizations which were intended to aid and abet rebellion in other countries.[2] It was never an offence against the laws of the United States for men to leave the country with intent to enlist in foreign countries, provided they went as individuals and did not combine or organize a military expedition while in the country.[3]

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[1] H. R. Doc. 351, 25 Cong., 2 sess., 577, 725. An excellent life of Gorostiza was published in 1876 by J. M. Roa Bárcena under the modest title of *Datos y Apuntamientos para la Biografía de Don M. E. de Gorostiza.* It was rumored (in Texas at least) that Gorostiza's special purpose was to effect a sale of Texas; against which the Texan representatives were instructed to protest.—(*Tex. Dip. Corr.*, I, 76.) Of course the rumor was unfounded.

The acts which the statute of 1818 did prohibit, were the equipping of armed vessels and the setting on foot of hostile expeditions; and as to these, the attitude of the administration was at least formally correct. As early as November 4, 1835, and before any complaints were received from the Mexican representatives, a warning circular was sent by the Secretary of State to the United States' attorneys in the districts of Louisiana, New York, Massachusetts, Pennsylvania, Maryland, and Alabama, declaring it to be the "fixed determination of the Executive" to see that citizens should abstain, under every temptation, from intermeddling in the domestic disputes of Mexico. The district attorneys were further directed to be "attentive to all movements of a hostile character which may be contemplated or attempted," and to prosecute all violations of the neutrality laws.[4]

These orders proved quite fruitless, partly because evidence was really hard to get, partly because the district attorneys were far from zealous, and partly because those who were managing the business were shrewd enough to put on a cloak of legality.

In the case of one company of recruits who went down the Mississippi "with drums beating and fifes playing," and were received with enthusiasm at the river landings, the United States attorney reported innocently that, as the men assured him that their only motive in going to Texas was emigration, and as there was no apparent movement on their part "exhibiting them as an armed force," he did not consider he had any such information as would justify legal proceedings.[1] Another district attorney reported, in respect to this same party, when they stopped at Natchez, that as he had failed, after using great exertions, to procure a warrant in the case of Felix Huston (whose recruiting activities were locally notorious) he really did not see what more could be done.[2]

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[1] Moore, *Internat. Law Digest*, VII, 976–982. The act of 1818, in force in 1836, was superseded by the act of March 10, 1838, passed in consequence of the condition of things on the Canadian frontier. See President's message of January 5, 1838.

[2] Opinions of Attorney-General, VIII, 216, in answer to British complaints of Irish societies in the United States.

[3] *Wiborg v. The United States*, 163 U. S., 632.

[4] H. R. Doc. 256, 24 Cong., 1 sess., 36.

The attitude of James P. Grundy, the United States attorney at Nashville, was even more scandalous. He, as well as his predecessor, had been specially ordered by the Secretary of State to inquire into the truth of certain newspaper allegations, that men were being raised and equipped at Nashville for military service in Texas, and if he found that any persons had violated the law in this regard, he was to institute such proceedings as might be necessary to punish them.[3] Nevertheless, if the report of a Texan agent may be believed, Grundy was himself the person who was raising the company.

> "He says," so the story ran, "he will prosecute any man under his command who will take up arms *here* and he will accompany them to the boundary line of the U. S. to see that they shall *not violate her Neutrality* and when there, if the boys think proper to step over the line as *peaceable Emigrants* his authority in this Govt will cease and he thinks it highly probable that he will take a peepe at Texas himself."[4]

The completeness of this piece of cynical impudence seems to cast a certain doubt on the accuracy of an otherwise delightful story; but if it was not true, it was well invented, for it illustrated completely the methods adopted to evade the statute.

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[1] Sanders to Dickins, Aug. 5, 1836; Sen. Doc. 1, 24 Cong., 2 sess., 53.

[2] Addison (acting for Gaines) to Forsyth, Aug. 20, 1836; *ibid.*, 66.

[3] Forsyth to Brown, Feb. 24, 1836; Forsyth to Grundy, April 9, 1836; H. R. Doc. 256, 24 Cong., 1 sess., 37–38.

[4] Carson to Burnet, June 1, 1836; *Tex. Dip. Corr.*, I, 92.

The committees who raised and equipped the American volunteers were thoroughly informed as to the state of the law, and took some pains to evade its provisions. Thus, as a general thing, the American volunteers were publicly described as "emigrants," and their weapons as "hollow-ware." Notices were published in the newspapers to the effect that those who went to Texas must embark on their own responsibility, at their own expense, and subject to no other rules than such as might be adopted for convenience in travelling; and that all money subscribed for the Texan cause would be applied solely to purchasing "provisions, supplies, etc."

Writing to an agent employed to purchase a steamship in New York intended to cruise in the Gulf, the Texan commissioners instructed him as follows:

> "You will also advertise for passengers for Texas, and charge them such reasonable price for passage as in your judgment should be proper, and if any should take passage in said Boat, with intention of entering into the service of Texas, they shall have their passage money refunded to them, on being received into the service." [1]

Subterfuges like these might not have deterred an unsympathetic or absolutely impartial grand jury from indicting offenders; but an impartial grand jury could hardly have been found anywhere in the country. Like their fellow-citizens, the members of grand juries in 1835 and 1836 were all for the cause of Texas, and the most zealous of district attorneys must have failed in an endeavor to procure indictments.

The President himself was by no means impartial. His feelings were very strong in favor of the Texan cause, but he also had a high sense of the dignity of the government of the United States and of its obligation to observe a careful attitude of neutrality. At a time when Texan affairs looked very dark, Austin wrote from New York to the President, the Vice-President, and other officials, begging the administration to help the Texans openly with men and money. Jackson filed away the letter with his private papers, and indorsed it in his own handwriting:

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[1] *Tex. Dip. Corr.*, I, 61; and see *ibid.*, 56, where the commissioners explain that men cannot be enlisted in the United States and their passage paid to Texas without violating the statute.

> "The writer does not reflect that we have a treaty with Mexico, and our national faith is pledged to support it. The Texians before they took the step to declare themselves Independent, which has aroused and united all Mexico against them ought to have pondered well—it was a rash and premature act, our neutrality must be faithfully maintained." [1]

Another and more serious source of controversy than the enlistments on American soil grew out of the conduct of the United States troops stationed on the Mexican frontier. The facts in regard to the matter were very simple.

As soon as authentic news reached Washington that Santa Anna was marching upon Texas with a large army, orders were issued to General Edmund Pendleton Gaines, the officer then commanding in the South, informing him that the sixth regiment of infantry had been ordered to Fort Jesup (near Natchitoches), and that all troops west of the Mississippi and south of the Missouri were to be employed in enforcing neutrality. Gaines was ordered to proceed in person to "some proper position near the western frontier of the State of Louisiana," and to see to it first that neither of the contending parties crossed the boundary into the United States, and second that no Indians living within the United States made any hostile incursions into Texas.[2] These orders, the Mexican minister expressly admitted, were beyond criticism.[3]

General Gaines was an elderly officer, who should have been well qualified by experience for the delicate duty with which he was charged. He had entered the army in 1799, served on the northern frontier, and greatly distinguished himself at Fort Erie, August 15, 1814, for which he had received the thanks of Congress and a gold medal. Shortly after the treaty of Ghent he was put in command of the troops on the Florida frontier, and became engaged in the Seminole war. In January, 1836, he was still in Florida.

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[1] *Jackson MSS.*, Library of Congress. See *Tex. Hist. Quar.*, XIII, 185.

[2] Secretary of War to Gaines, Jan. 23, 1836; H. R. Doc. 256, 24 Cong., 1 sess., 40.

[3] Gorostiza to Forsyth, April 23, 1836; *ibid.*, 16.

Pursuant to the orders of the War Department, Gaines proceeded to Natchitoches, but at so leisurely a rate that he did not reach that post until the fourth of April. On his way he heard a good deal about "the sanguinary manner in which the Mexican forces seem disposed to carry on the war against our Texian neighbors," and from Baton Rouge he wrote to the Secretary of War that he should deem it his duty to anticipate the lawless movements of the Mexicans and "their red allies," if he found any disposition to menace American settlements; and in that event he intended to cross "our supposed or imaginary national boundary," and meet "the savage marauders wherever to be found in their approach to our frontiers." [1]

It is not apparent where Gaines picked up the notion that the Mexican forces were aided by "red allies"; but it is perfectly clear where he had got the idea of penetrating into foreign territory to punish hostile Indians. In 1817 he had been instructed that if the Seminoles refused to make reparation for outrages and depredations on the citizens of the United States, he was "at liberty to march across the Florida line and attack them within its limits." [2] This was a policy deliberately approved by Monroe and his cabinet at a meeting specially called for the purpose,[3] and the subsequent action of the United States troops in invading Florida and capturing Spanish posts was diplomatically defended by John Quincy Adams, as Secretary of State, upon the ground of the failure of Spain to restrain her Indians and the imperative duty of the United States to protect the persons and property of its citizens near the border.[4]

Entertaining these preconceived notions as to what he would find to do when he reached his post, Gaines arrived at Natchitoches a fortnight before San Jacinto, and was greeted at once by a number of very excited people. He was informed that Santa Anna was rapidly approaching; that his intention was to put to death all who did not yield to his dictation; that the Cherokee and Caddo Indians were to join him as soon as he reached the Trinity River, and unite with him in a war of extermination; that a Mexican agent had been stirring up the Indians on both sides of the border, and that the people of Louisiana were not safe unless there was an ample force "to arrest the career of these savages." [1]

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[1] Gaines to Cass, March 29, 1836; *ibid.*, 42.

[2] Calhoun (Secretary of War) to Gaines, Dec. 16, 1817; *Amer. St. Papers, Mil. Af.*, I, 689.

[3] J. Q. Adams, *Memoirs*, IV, 31.

[4] Adams to Erving, Nov. 28, 1818; *Amer. St. Papers, For. Rel.*, IV, 539.

Gaines was absurdly credulous if he really believed all these tales, but at least he did not exaggerate the violence of the current rumors. The Mississippi volunteers, who reached Natchitoches three days after him, found conditions even worse than he described them.

> "Advancing into the country," the commander wrote home, "we found the roads literally lined with flying families, and instead of the men turning their faces to the enemy, we met at least 300 men, with arms in their hands, going east. Perhaps they considered the contest hopeless and did not care to throw away their lives. The reports of the enemy's overwhelming numbers and bloody intentions were indeed alarming. We must have met, at least, a thousand women and children, and everywhere along the road were wagons, furniture and provisions abandoned."

At Nacogdoches the Mississippians were told that a detachment of the Mexican army had reached the upper waters of the Trinity and would attack the town in a few days, and scouts who had been sent to reconnoitre west of the town came galloping back with a report that they had been actually fired on by a party of Mexicans. On the twelfth and thirteenth of April there were incessant alarms. Three thousand Mexicans and Indians were reported close at hand,

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[1] H. R. Doc. 256, 24 Cong., 1 sess., 46–48. And see agitated letters to Gaines from John T. Mason and residents of Nacogdoches in H. R. Doc. 351, 25 Cong., 2 sess., 773–782.

and it was not until a day or two later that it turned out there was no foundation for these stories and no immediate danger.[1]

Surrounded at Natchitoches by terror-stricken fugitives, and by officers eager for a chance to distinguish themselves in actual warfare, it is perhaps not astonishing that General Gaines should have completely lost his head. He thought that he was called upon to decide whether he should sit still and suffer the Indian movements "to be so far matured as to place the white settlements on both sides of the line wholly within the power of these savages," or whether he should take steps at once to compel the Indians to return to their reservations. Without hesitation he decided on the latter course; but as he was persuaded that Santa Anna, with his "Indian allies," had somewhere from twelve to twenty thousand men, reinforcements appeared to be urgently needed. Gaines therefore, certainly without express authority, called on the governors of Louisiana, Mississippi, Tennessee, and Alabama for volunteers.[2]

His call was rather coolly received by the state authorities. Governor White, of Louisiana, said that after looking at the statutes he did not think he was authorized to furnish the force called for; that he did not believe it was necessary; that Gaines had been imposed upon by Texan speculators (*i. e.*, John Thomson Mason, who had been mixed up in the New York and Galveston Bay Land Company and the Coahuila land grants of 1834 and 1835); and that these people hoped to get the United States involved in the war between Mexico and Texas. Governor Cannon, of Tennessee, on the other hand, felt it his duty to raise a brigade of volunteers, although he was much perplexed to see how it could be done. The governors of Alabama and Mississippi must have shared the views of the governor of Louisiana. At any rate, they did nothing.[3]

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[1] Claiborne's *Quitman*, I, 148–150.

[2] Gaines to the governors, April 8, 1836; H. R. Doc. 351, 25 Cong., 2 sess., 770. One at least of Gaines's staff believed the rumors of Indian depredations unfounded and told him so.—(Hitchcock, *Fifty Years in Camp and Field*, 98.)

[3] See correspondence in H. R. Doc. 256, 24 Cong., 1 sess., 49–56.

Gaines himself in another two weeks began to doubt whether things were quite as bad as he had been led to believe. He reported that the Indians had killed one white man, a trader, but that there was "no conclusive evidence of a spirit of general hostility toward the inhabitants." He also confirmed the reported visit of a Mexican agent to the Cherokees and Caddoes, but said that thus far the visit had been without success.[1] In another eight days news reached him of the battle of San Jacinto, and he wrote to the governors to suspend the movements of the volunteers.[2] The activity of General Gaines failed, therefore, to produce any direct results on the frontier. Its principal effect was to create trouble in Washington.

When the War Department received Gaines's first letter from Baton Rouge a rather serious difficulty had presented itself. On the one hand, it hardly seemed possible for the executive branch of the government alone to authorize the invasion of a foreign country, except under the pressure of extreme necessity; on the other hand, in dealing with savages it might easily prove disastrous to ignore warnings, and to defer attacking them until after they had crossed an ill-defined boundary.

In this dilemma a suggestion first made by Anthony Butler seven years before, and repeated by him several times since, seemed to offer a way out. In his conversations with Jackson and Van Buren, in the summer of 1829, Butler had contended that the river truly intended as the Sabine in the boundary treaty of 1819 was the westerly one of the two that flowed into the Sabine Lake—in other words, the river shown on all the maps as the Neches.[3] In several private letters to Jackson he had urged that the United States ought to take immediate forcible possession of the triangular piece of territory between the two rivers; and Jackson, in at least one letter, had intimated an intention of doing so if the Mexican government delayed joining in a survey and de-

[1] Gaines to Secretary of War, April 20, 1836 (the day before San Jacinto); H. R. Doc. 351, 25 Cong., 2 sess., 771.

[2] Gaines to the Secretary of War, April 28, 1836; *ibid.*, 783.

[3] See page 237, above.

marcation of the boundary.[1] There was in reality no confusion or doubt whatever about this part of the boundary line. The Sabine was a perfectly well-known river which had been correctly mapped years before the treaty of 1819 was made; but just as it had suited Butler's purposes some years before to invent a doubt, so it now suited Jackson's to assume that the doubt was genuine.[2]

On April 25, 1836, long before news had been received in Washington of the battle of San Jacinto, General Cass, the Secretary of War, wrote to Gaines, in reply to his request for authority to cross the frontier. In effect the letter granted the authority asked for, with the proviso that Gaines was in no event to go beyond Nacogdoches, "which is within the limits of the United States as claimed by this Government"; that is to say, he was not to go beyond the Neches River.[3]

The intention to issue these instructions had previously been communicated to the Mexican minister. On Wednesday, the twentieth of April, when Gorostiza called at the State Department to exchange the ratifications of the second additional article to the treaty of 1819, he was verbally informed by the Secretary that "orders would be given to General Gaines to take such a position with the troops of the United States as would enable him to preserve the territory of the United States and Mexico from Indian outrage"; and that if the troops should "be advanced beyond the point Mexico might suppose was within the territory of the United States, the occupation of the position was not to be taken as an indication of any hostile feeling, or of a desire to establish a possession or claim not justified by the treaty of limits."[4]

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[1] "We are deeply interested that this treaty of cession should be obtained without any just imputation of corruption on our part. Bring this to a close as speedily as possible, and if you cannot now make a boundary write us that we may take measures to make the necessary communication thro you that we will run the line & take possession of Nachedoges."—(Jackson to Butler, Nov. 27, 1833; *Jackson MSS.*, Library of Congress.)

[2] As early as October, 1832, a rumor had reached Texas—very likely through Butler himself—that the United States government intended to make the Neches the boundary. The Texans were indignant at "this hitherto unheard-of claim."—(*Proceedings of the General Convention*, etc., 15; Gammel, I, 489.)

[3] H. R. Doc. 256, 24 Cong., 1 sess., 43.

[4] Memorandum of conference on April 20, 1836; *ibid.*, 31.

Gorostiza, who had never heard the suggestion that the Neches might be claimed as the true boundary, listened in stupefied silence, and only asked that this statement be put in writing. Three days later he wrote a long and indignant letter in reply, and for weeks an angry correspondence continued, in the course of which Forsyth reminded him that Mexico was not then in possession of the disputed territory, and that whether it could ever obtain it was a question "now at issue by the most sanguinary arbitrament." [1]

Forsyth went even further. He avowed the doctrine that in pursuance of the treaty obligation to restrain by force all hostilities and incursions on the part of the Indians living within the United States "the troops of the United States might justly be sent into the heart of Mexico." And he coolly assured Gorostiza that their presence there would be the strongest evidence of the friendship of the United States toward Mexico. Friendship of this kind was quite beyond the comprehension of the Mexican minister, but he was, of course, wholly unable to do more than protest.

Meantime, the Texans were busy trying to induce Gaines to take some active part in their affairs. On July 4, 1836, while Santa Anna was writing to President Jackson to urge him to mediate, Austin was writing both to Gaines and Jackson to ask the United States to guarantee the execution of the treaties of Velasco, so as to satisfy the people of Texas that Mexico would fulfil Santa Anna's promises. For this purpose it was proposed that Gaines should occupy Nacogdoches. Houston also wrote to Jackson on the same subject.

Gaines declined this extraordinary request on the ground of insufficient instructions, and Jackson does not seem to have answered Austin's proposal at all.[2] But on September 4, 1836, on the same day that he wrote to Santa Anna, he wrote from the Hermitage to General Gaines. As to the treaties of Velasco, he said that Mexico had served notice that no act of Santa Anna's since his capture would be held binding. As to the Indian rumors, he took a somewhat different ground from that taken by his Secretary of State. Mexico, he said, was bound by treaty to prevent the Indians from committing hostilities against the citizens of the United States. If she was unwilling or unable to perform that duty, the United States was justified in performing it for her. And therefore, if General Gaines became satisfied that any body of Indians who disturbed the peace of the United States were receiving aid, or were taking shelter within Mexican territory, it would be proper for him to pursue them without reference to boundary lines. But the evidence must be clear before undertaking an act involving so much responsibility.[1]

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[1] Forsyth to Gorostiza, May 10, 1836; *ibid.*, 33–35.

[2] See Miss Rather's excellent article on "Recognition of the Republic of Texas by the U. S.," *Tex. Hist. Quar.*, XIII, 211, 228.

Gorostiza, to whom extracts from these letters were shown, "did not deny the right of the United States, if the facts were true, to take upon itself the defence of its frontiers, and to advance upon Mexico, who would, in that case, have been false to her obligations under the law of nations, and to her treaty stipulations."[2] But he explained later on that what he meant was that if the Mexican government had instigated Indian warfare against the United States, then in such a case, and in such a case only, would the United States (after repulsing the Indians) be justified in occupying temporarily a post within Mexican territory.[3]

Meanwhile Gaines, without any real justification, had again allowed himself to be persuaded that the Indians in Texas were planning mischief,[4] and late in July, long after the Mexican forces were back again south of the Rio Grande, he sent a small detachment as far as Nacogdoches. This force amounted, according to official returns, to three hundred and twenty-four men under command of Lieutenant-Colonel Whistler.[5] Gaines also repeated his requisition for militia; but, this proceeding being expressly disapproved by the President, none went to the frontier. Gaines was then quietly superseded by General Arbuckle, and the troops were withdrawn from Nacogdoches during the autumn.

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[1] Jackson to Gaines, Sept. 4, 1836 (two letters); Sen. Doc. 1, 24 Cong., 2 sess., 85–86. This was substantially the doctrine avowed by Adams in the Florida case where Jackson was himself the chief actor.

[2] Memorandum of Forsyth of Sept. 23, 1836; *ibid.*, 84.

[3] Gorostiza to Forsyth, Sept. 27, 1836; *ibid.*, 88.

[4] Austin and Houston seem to have been his principal informants.—(Yoakum, II, 182, 191, 201.)

[5] Nine companies, according to table in Sen. Doc. 1, 24 Cong., 2 sess., 146.

Gorostiza's patience was rapidly giving way under the strain. On October 13, 1836, the State Department informed him that the President, who had returned to Washington on the first of the month, after giving the fullest consideration to his request for a recall of the instructions given to Gaines, declined to comply with it. The refusal was distinctly put upon the ground of the paramount duty of the government to protect the people of the United States. If Mexico failed to restrain the Indians upon her territory, the United States would have a right to do so—

> "founded on the great principle of self-preservation, which, as it constitutes the first and highest duty of all states, forms the very essence of the law of nations. The present inability of Mexico to restrain the Indians within her territory from hostile incursions upon the citizens of the United States, if they should once be engaged in hostility near the frontier, and the barbarous character of their warfare, which respects neither the rights of nations nor of humanity, render it imperative on the United States to adopt other means for the protection of their citizens. What those means should be must depend upon the nature of the danger. Should that require the temporary occupation of passes beyond the frontier, the duty of self-defence gives them the right to such occupation. It needs no justification but the necessity which led to it." [1]

As a theory this was no doubt all very well, but the difficulty was that the facts did not fit the theory. The fears of an Indian invasion of the acknowledged territory of the United States were chimerical, and when the truth was ascertained an apology should have been offered to Mexico for the unwarranted action of General Gaines. Gorostiza did not, however, wait for any more detailed statement of facts. On October 15 he sent a long reply, in which he pointed out the very apparent weakness of the evidence on which Gaines had acted, declared that the principles invoked by the United States constituted a continued threat against the sovereignty and independence of its neighbors, denied the right of the government to shelter itself behind an injudicious subordinate, and ended by declaring his mission at an end and requesting his passports.[1] He was not content with this. Before leaving the United States he published and privately circulated a pamphlet, to which he appended a part of the correspondence with the State Department and with his own government, and in which he railed in good set terms against the government of the United States.[2]

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[1] Dickins to Gorostiza, Oct. 13, 1836; *ibid.*, 93.

The publication of this pamphlet infuriated the President. It was declared to be "unexampled in the history of diplomacy," and the Mexican government was invited to disavow an act "so glaringly violating all the decorum of diplomatic usage; so disrespectful to the government and people of the United States; so unworthy the representative of a respectable government, and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico."[3] The Mexican government, however, far from disavowing Gorostiza's conduct, declared that after examining "frankly and impartially" all the correspondence, it could not but coincide with all he had done, and approve his withdrawal from Washington.[4] In later years, however, upon a demand from the United States for an explicit and unequivocal disavowal by Mexico of Gorostiza's action in circulating this pamphlet, assurances were given which were accepted as satisfactory.[5]

Before the Mexican government had announced its opinion concerning Gorostiza's acts the President of the United States, on December 6, 1836, sent his annual message to

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[1] Gorostiza to Dickins, Oct. 15, 1836; *ibid.*, 95.

[2] *Correspondencia que ha mediado entre la Legación Extraordinaria de México y el Departamento de Estado de los Estados Unidos sobre el paso del Sabina por las Tropas que mandaba el General Gaines* (Philadelphia, 1836).

[3] Forsyth to Ellis, Dec. 10, 1836; H. R. Doc. 105, 24 Cong., 2 sess., 47.

[4] Monasterio to Ellis, Dec. 21, 1836; Sen. Doc. 160, 24 Cong., 2 sess., 83.

[5] Martinez to Forsyth, Nov. 18, 1837; Sen. Doc. 1, 25 Cong., 2 sess., 114. Forsyth to Ellis, May 3, 1839; Sen. Doc. 320, 27 Cong., 2 sess., 179.

Congress. He made no reference in it to the pamphlet, but called attention to Gorostiza's departure, based, as the President put it, "on the sole grounds that the obligations of this government to itself and to Mexico" had made it necessary to intrust an officer of our army with the discretionary power to advance into Texas, "if necessary to protect our own or the neighboring frontier from Indian depredation."

Whatever may be thought of the reasoning of President Jackson and his Secretary of State, it is at least clear that, as events turned out, neither the orders of the administration nor the acts of General Gaines were of the least benefit to Texas. Indirectly, Gaines did no doubt encourage the Texan insurgents, who believed that he sympathized with them, and that under certain circumstances he might help them.[1] But the much more serious and definite results of his acts were the feelings of irritation and annoyance created in both Mexico and the United States. The Mexicans were aggrieved by a course of dealing which they naturally looked upon as a thinly disguised attempt to help the insurgents, while in the United States the adversaries of the administration seized upon the affair as an indication of the real sympathies and wishes of the President and his party.

To what lengths Jackson might have been willing to go if he had had a perfectly free hand is, of course, uncertain. There can be no doubt that he personally sympathized with the Texan insurgents; but however eager he may have been to help them, he was restrained by an honorable sense of what the international obligations of the United States demanded. He had also received abundant warning that the public opinion of the country at large could hardly be counted on in support of a policy of intervention.

In the first place, it was apparent that, however general the feeling of sympathy with Texas, especially in the South and West, it was not universal. There was an active minority, small, indeed, and politically without influence, who looked with suspicion and dislike upon the efforts of the Texan settlers to free themselves from Mexican rule; and the man who most forcibly voiced the opinion of this little band, and who spoke with some first-hand knowledge of the facts, was Benjamin Lundy, the editor of the *Genius of Universal Emancipation.*

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[1] Carson to Burnet, April 14, 1836; *Tex. Dip. Corr.*, I, 83. And see *Tex. Hist. Quar.*, IV, 251–255.

Between the beginning of 1832 and the spring of 1835, Lundy paid three visits to Texas, Coahuila, and Tamaulipas—travelling on foot for long distances and existing mainly by his trade as a saddler. He talked much with chance acquaintances whom he met, and among others he fell in and travelled with Almonte, who was then conducting the tour of observation in Texas which he had undertaken at Santa Anna's request.[1] From these means of information, accompanied by such newspaper reading as his nomadic habits permitted, Lundy (who never learned to speak Spanish) picked up an extensive but inexact knowledge of conditions in Texas and northern Mexico, and of the hopes and expectations of the American settlers.

The main object of his travels had been to obtain a concession as empresario for the introduction of a number of families; and Lundy and his friends intended to use any lands so granted as a colony for manumitted slaves. The period of his visits to Texas corresponded, however, almost exactly with the period of three years during which Mexico—after the disturbances at Anáhuac—withdrew her troops and revenue officers from Texas; and no such grant of land as he desired was procurable either in Texas or Coahuila. He was more fortunate in Tamaulipas, and when he reached the United States in the summer of 1835 he busied himself with plans to take his colonists thither.

> "A large number of respectable persons, in different states," he wrote, "proposed to accompany me. Among them were our friends David Lee Child and wife.[2] But the insurrection in Texas, or rather

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[1] See page 229, above.

[2] Lydia Maria Child. Both Mr. and Mrs. Child were well known and energetic workers in the cause of abolition. The proposed journey to "Matamoras, near Texas," was strongly disapproved by William Lloyd Garrison, who thought it a "hazardous project."—(Garrison, *Life of Garrison*, II, 105.)

> the invasion of brigands from the United States, caused me to defer it a little. . . . Just about that time, the opportunity presented itself of exposing, with the co-operation of John Quincy Adams, the vile projects of the Texan invaders." [1]

Lundy had already, in 1829, before he had ever visited Texas, denounced in his newspaper the project of purchasing that province. He declared that it had been conceived by the advocates of slavery "for the avowed purpose of adding five or six more slave-holding states to this Union"; [2] and the lapse of six years, during which that project had been suffered to drop by the administration, and the people of Texas had come to blows with Mexico, only served to convince Lundy that the disturbances which were taking place constituted a "crusade against Mexico, set on foot and supported by slave-holders, land-speculators, &c., in order to re-establish, extend, and perpetuate the system of slavery and the slave trade." In the pages of the *Genius of Universal Emancipation* and the Philadelphia *National Gazette*, and in two pamphlets, entitled, respectively, *The Origin and True Causes of the Texas Insurrection* and *The War in Texas*, he declaimed, therefore, against "the clandestine operations of this unhallowed scheme," in terms whose vagueness detracted nothing from their vigor.[3]

How far Lundy's writings directly influenced the public of the day it is hard to say. Probably they did not carry far, for their professed abolitionist origin would then have been a poor passport to popular favor; but that they did deeply affect the course pursued by a man whose voice commanded a general hearing, namely, John Quincy Adams, is unquestionable. Adams had first met Lundy in 1831, and in the summer of 1836 had long conversations with him;[4] and although Adams's diary does not reveal the precise extent to which he made use in his speeches of Lundy's writings, it is evident that these were the fountain from which he drew inspiration for his attacks upon the Texan policy of Jackson's administration.

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[1] *Life of Lundy*, 188.

[2] See page 240, above.

[3] The second of these pamphlets seems to be an enlargement of the first. See *The War in Texas* (2d ed.), 30.

[4] Adams's *Memoirs*, VIII, 316; IX, 302, 303.

But Jackson was not merely faced with the abolitionist opposition first voiced by Lundy. It also became perfectly plain that Congress would not be willing to support any measures tending to involve the country in a war with Mexico. This first became evident when on May 4, 1836, the Secretary of War, with the President's approval, asked the Committee on Ways and Means for an appropriation of money to defray the possible expenses of calling out volunteers in case it should become necessary to reinforce the regular troops on the southwestern frontier. On the seventh of May a violent debate upon this subject in the House of Representatives sprang up, in which the propriety of the instructions to General Gaines of April 25 was warmly criticised by John Quincy Adams and others.[1] But as the bill before the House merely provided that the money appropriated should be used for the defence of the frontier, it was considered unobjectionable by many who were opposed to the government, and was ultimately passed by a large majority, Adams himself voting for it.

Nine days later came the news from San Jacinto. "Glorious news from Texas," wrote Adams, "that Santa Anna had been defeated and taken by Houston, and shot, with all his officers."[2] The bearer of the news, Captain Hitchcock, of General Gaines's staff, had had a dangerous and most toilsome journey through southern Mississippi and Alabama, and brought with him original accounts of the battle. The first of these was a scrap of paper, addressed to nobody in particular, and in form a sort of proclamation. It purported to be signed by Houston, although its authenticity was doubted by Gaines and his officers. The other was a letter from Rusk, the Texan Secretary of War, addressed to General Gaines. The moment Captain Hitchcock reached Washington he called at the White House.

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[1] *Debates in Congress* (Gales & Seaton), XII, 3518–3547.

[2] Adams's *Memoirs*, IX, 282.

> "I am not sure," he wrote, "that I ever saw a man more delighted than President Jackson appeared to be at the reception of these notes. If there had been a vacancy in the dragoons at that time I think he would have given it to me on the spot. He read both the notes over and over but dwelt particularly upon that from Houston exclaiming as if talking to himself: 'Yes! that's his writing! I know it well! That's his writing! That's Sam Houston's writing! There can be no doubt of the truth of what he states!' Then he ordered a map, got down over it, and looked in vain for the unknown rivulet called San Jacinto. He passed his finger excitedly over the map in search of the name, saying: 'It must be there! No, it must be over there!' moving his finger round but finally giving up the search." [1]

Every one, indeed, was delighted at the retribution which had overwhelmed Santa Anna, and no one in Washington failed to show it. Gorostiza was "astonished and shocked" at the "intemperate joy . . . expressed by all in Washington, both great and small, magnates and legislators, on receiving news of the battle of San Jacinto." [2] And almost at once the question of recognizing Texan independence was raised in both houses of Congress.

The subject had already been before Congress. On April 26 Senator Morris, of Ohio, who was an anti-slavery man, presented a report of the proceedings of "a large respectable meeting of citizens of Cincinnati on the subject of the struggle for freedom now going on in Texas, and suggesting the expediency of acknowledging the independence of that country." Morris said that as a citizen he was in full accord with the proceedings of the meeting, and believed that the people of Cincinnati spoke the voice of the whole state. King, of Alabama, thought it premature to consider the recognition of Texas, and by general consent the subject was laid on the table.

On May 9 Preston, of South Carolina, presented memorials from citizens of Philadelphia praying Congress to recognize the independence of Texas; but although he avowed the most ardent sympathy with the revolutionists, and trusted in God the Texans would succeed, he admitted that for the present no action could be taken by the American government. Webster proclaimed his entire concurrence with most of Preston's sentiments, and only criticised his personal denunciation of Santa Anna—the head of a foreign nation with which we maintained diplomatic relations.

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[1] Hitchcock, 106.

[2] Gorostiza, *Correspondencia*, Introd., xxvii.

A week later, after the news of San Jacinto, memorials praying for the recognition of Texan independence poured in from different parts of the country, including one from the legislature of Connecticut. When the subject was next brought up in the Senate on May 23, 1836, there was a general expression of opinion that the independence of Texas ought to be recognized if reasonable proof were furnished that a government had been firmly established. It was agreed, however, that without proof the United States could not act, and that the Committee on Foreign Relations ought to ascertain the facts without delay.

That committee on June 18 presented a report recommending a resolution which favored the recognition of Texas, whenever satisfactory information was received that it had a civil government in "successful operation." [1] On July 1 the report was considered and commented on by nearly all the leading men in the Senate—Preston, Clay, Webster, Walker, Buchanan, Benton, and others—all approving the course proposed. A clause was added to the committee's resolution, expressing the gratification of the Senate on hearing that the President of the United States had taken steps to ascertain the facts of the case, and the resolutions were then unanimously adopted in the following form:

> "1. *Resolved*, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information has been received that it has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power.
>
> "2. *Resolved*, That the Senate perceive with satisfaction that the President of the United States has adopted measures to ascertain the political, military and civil condition of Texas."

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[1] Clay drew this report, which discusses with considerable fulness the principles that should guide a government in recognising the independence of a newly created state, and which may be said to be one of the classics of international law in the United States. See Moore, *Internat. Law Digest*, I, 96.

In the House of Representatives there was no such unanimity. Adams was again the leader of the opposition. On May 25, in a speech in Committee of the Whole, when an entirely different subject was under discussion, he denounced the war in Texas as intended to bring about the re-establishment of slavery where it had previously been abolished by law, and he bitterly attacked the administration for making every effort to drive the United States into the war upon the side of slavery. Mexico, according to Adams, was upholding the cause of freedom. And he warned the House that if it came to invading, Mexico was far more likely, with her large and constantly exercised army, to overrun the border states of the American Union than the United States were to overrun Mexico. Adams himself was impressed next day with the violence of his language, for he thought it "the most hazardous" speech he had ever made; but later he found it greeted by "a universal shout of applause" in the North.[1]

Nothing more was done in Congress until the very last moment. On June 27, 1836, the House, by a vote of 142 to 54, laid on the table a proposal to appropriate money for a minister to Texas. On July 4, the last day of the session, the Committee on Foreign Affairs reported the Senate resolutions; debate was cut off by the previous question; the two resolutions were carried by decisive votes—128 to 20, and 113 to 22—and the House thereupon immediately adjourned *sine die*.

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[1] *Memoirs*, IX, 287-289.

CHAPTER XVI

TEXAS PROPOSES ANNEXATION

When the American Congress adjourned on the fourth of July, 1836, the question whether the independence of Texas should be recognized had been fairly submitted to the executive branch of the government, although with strong intimations in debate that an affirmative answer would be welcome. But before the passage of the resolution the President had arranged for a careful inquiry at first hand into the facts, and for that purpose he sent to Texas a certain Henry M. Morfit.

Morfit's instructions were probably verbal, and he bore with him as his credentials nothing but a personal letter of introduction from Forsyth, the American Secretary of State, to Burnet, the provisional President of Texas.[1]

Morfit reached Texas early in August, and stayed until the middle of September, sending back to the State Department about two letters a week, in which he gave an intelligent account of the subjects most likely to interest the American government. Although he only visited that part of Texas which lay in the valleys of the Brazos and the Colorado, he saw and talked with the principal men in the Texan government, and was thus enabled to make what appears to have been an impartial and reasonably complete report.[2]

The army, he stated, was composed of about two thousand men actually with the colors. It was thought that in addition some three thousand militia might be counted upon. The munitions of war appeared to be abundant, and there was scarcely a cabin in the country that could not, at a moment's warning, arm several men. The weapons of the several classes of troops were, however, not always of the same pattern, and the soldiers, as their terms of enlistment expired, frequently took their arms home with them, "to be ready in any emergency." The navy consisted of four schooners, one of which was undergoing repairs. A descent upon Matamoros, and an expedition to Chihuahua, aided by a force of Comanche Indians, were under discussion. During the summer several hundred emigrants had arrived by sea, besides many who had come overland by the Nacogdoches road. About six hundred and fifty Mexican prisoners were still on Galveston Island, or near Velasco. Santa Anna was at Thompson's Ferry, on the Brazos, his fate still very doubtful.

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[1] Dated June 25, 1836; *Tex. Dip. Corr.*, I, 100.

[2] Morfit's letters are printed in Sen. Doc. 20, 24 Cong., 2 sess., as an appendix to the message from President Jackson, dated Dec. 21, 1836.

The programme of the Texan leaders was extremely ambitious. They had intended at first to extend their national boundaries to the Pacific Ocean, but had ultimately decided that if they extended from the Sabine to the Rio Grande, and up to the head of that stream, there would be territory "sufficient for a young republic." As the area within the boundaries thus proposed amounted to something like three hundred and seventy-five thousand square miles—more than that of Great Britain, France, and Ireland combined, and approximately equal to that of the thirteen original states—these modest views were probably correct. It was also the intention that as soon as peace was made with Mexico a railroad should be run to the Gulf of California, to give "access to the East Indian, Peruvian, and Chilian trade."[1]

As to boundaries, it was conceded that Texas as a Mexican province had never extended on the Gulf beyond the river Nueces. And inasmuch as Santa Fe, the capital of the province of New Mexico, lay east of the Rio Grande on its upper waters, it was clear that the boundaries to be claimed in that direction were also far beyond those of the old province. The claim to the additional territory seemed to be based upon the rights gained by conquest, the Mexican army having, in fact, withdrawn beyond the Rio Grande.

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[1] Sen. Doc. 20, 24 Cong., 2 sess., 12, 13.

From the best information obtainable there were in Texas proper about thirty thousand American settlers, five thousand negroes, and thirty-five hundred native Mexicans—besides some twelve or fourteen thousand independent Indians. The part of New Mexico which the Texans meant to claim would increase her population by at least fifteen thousand, making, in all (including "Indians not taxed"), about sixty-five thousand.

As to financial matters, Morfit calculated that the indebtedness of the country by the time the term of office of the provisional government expired would probably amount to a million and a quarter of dollars; and to meet this debt and provide for the future support of the government there were the public lands, the customs duties, and moneys still due on lands formerly granted.

> "The present resources of Texas," he added, "are principally derived from the sympathies of their neighbors and friends in the United States, and by loans upon the credit of the state. The donations from the former quarter have been, and will no doubt continue to be, very liberal, and indeed munificent. . . . I have been surprised to find that Texas has carried on a successful war thus far, with so little embarrassment to her citizens or her treasury; and perhaps it is the first instance in the history of nations where a state has sustained itself by men and means drawn wholly from a distance."[1]

As to the attitude of Mexico, no negotiations for peace had been undertaken since those with Santa Anna had been interrupted. It was believed that his power and popularity at home were already extinct, and that if the Mexican government could raise the necessary money, which seemed doubtful, a new invasion of Texas would be undertaken. Already four thousand troops were said to have been collected for the purpose at Matamoros.

That the people of Texas with entire unanimity desired, at that time, to be admitted as one of the states of the American Union, was made apparent by the election held on the fifth of September, at which the voters were required to state whether they favored annexation,[1] and the terms on which annexation was to be effected had been seriously discussed in the Texan cabinet.

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[1] *Ibid.*, 16, 17.

Finally, Morfit's conclusion was that as the population of Mexico was eight millions, and that of Texas not over fifty thousand, the issue of the war between them would not, under ordinary circumstances, long remain doubtful; and that the ability of Texas to maintain her independence resolved itself, after all, into the single fact that "without foreign aid her future security must depend more upon the weakness and imbecility of her enemy than upon her own strength."

The September election to which Morfit referred had been held pursuant to the action taken by the constitutional convention of the previous March, directing that an election should be held for ratifying the Constitution, and choosing officers at a date to be fixed by the provisional government. On July 23, 1836, President Burnet had issued his proclamation fixing the first Monday of September as the day for choosing a President, a Vice-President, and representatives to the first Congress of Texas; also for deciding upon the acceptance or rejection of the new Constitution; and also for voting upon the question of annexation to the United States. By the same proclamation the new government was to come into existence at Columbia, on the Brazos, on the first Monday of October.[2]

The voters, by a substantially unanimous vote, approved the Constitution and declared in favor of annexation. At the same time they elected Houston as President and Lamar as Vice-President; but the newly elected officers were not inaugurated and the regular constitutional government of the republic did not go into operation until Saturday, October 22, 1836. Houston's two principal rivals for the Presidency were made members of his cabinet—Stephen F. Austin becoming Secretary of State and Henry Smith Secretary of the Treasury. William F. Wharton, who had been one of Austin's associates as commissioner to the United States, was appointed to the highly important post of minister at Washington.

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[1] Only ninety-three votes were cast against annexation.—(*Tex. Dip. Corr.*, I, 140.)

[2] See E. W. Winkler, "The Seat of Government of Texas," in *Tex. Hist. Quar.*, X, 156 *et seq.*, for the reasons for selecting Columbia.

Wharton's credentials and instructions reached him at Velasco on November 22, 1836, and he arrived at New Orleans six days later, after a stormy passage across the Gulf, "without a place to sleep, except on the naked deck—without anything but two little blankets to answer both for a bed and covering." How to get to Washington was a problem. The meeting of the American Congress was only eight days off. To go by sea to New York, with a certainty of northerly winds, would require thirty or forty days, and the roads on the southern route through Alabama and Georgia were reported to be almost impassable. Wharton concluded, therefore, that the "shortest and far the most certain" method of reaching Washington was by way of the Mississippi and Ohio rivers to Wheeling, and thence overland.[1]

Travelling with the utmost rapidity, Wharton was only nineteen days on the road, and having reached Washington in safety was received by General Jackson unofficially on December 20. The next day he saw Forsyth, who told him that the Texan popular vote for annexation had embarrassed the American government in the matter of recognizing their independence; for if Texas were recognized promptly it would look as if it were part of an agreement for immediate annexation. He wished Texas would get recognition from England or elsewhere first. And he said that the President would that week send a message to Congress dealing with Texan affairs.[2]

Wharton was evidently not at all pleased with these interviews, and was still more put out when he read the President's message, which was presented to Congress on the day following his conversation with Forsyth.

The message transmitted the greater part of Morfit's letters. After an admirably clear and accurate statement of the considerations which should govern the nation in acknowledging the independence of any new state, and the peculiar delicacy of doing so when the new state had forcibly separated itself from another of which it had formed a part, and which still claimed dominion over it, the President went on to express the view that it was expedient to leave to Congress the question of the recognition of Texas, although he did not intend to relieve himself from the responsibility of expressing his own opinion concerning the course which "the interests of our country prescribe and its honor permits us to follow." A rigid adherence to the principles laid down and followed in the contests between Spain and her revolted colonies would be the safest guide. In those cases "we stood aloof, and waited, not only until the ability of the new states to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not until then, were they recognized."

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[1] Wharton to Austin, Nov. 28, 1836; *Tex. Dip. Corr.*, I, 144.

[2] Wharton to Austin, Dec. 22, 1836; *ibid.*, 157.

With regard to Texas, the fact was that, although the civil authority of Mexico had been expelled, its invading army defeated and driven beyond the frontier, and the President of the republic captured, yet there was, in appearance at least, an immense disparity of physical force on the side of Mexico and a fresh Mexican invasion was in preparation.

> "Upon the issue of this threatened invasion," the message continued, "the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of [illegible] two countries, which require us to act on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the reunion of the territory to this country. A large portion of its civilized inhabitants are emigrants from the

United States; speak the same language with ourselves; cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and more than all, it is known that the people of that country have instituted the same form of government with our own; and have, since the close of your last session, openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the federal states. . . . It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers, shall recognize the independence of the new government, at least until the lapse of time, or the course of events shall have proved, beyond cavil or dispute, the ability of the people of that country to maintain their separate sovereignty, and to uphold the government constituted by them."

The signature to this message was that of Andrew Jackson, but the body of it was unquestionably the production, both in form and substance, of John Forsyth.[1] The cautious policies here advocated—the acute sensitiveness to foreign opinion, the desire not to seem to interfere with the rights of others—have not always been manifest in the foreign policy of the United States.

A policy so hesitant as that advocated in the President's message was not very consonant with Jackson's impetuous character, and it is quite possible that if he had not been for several weeks in ill health more vigorous methods might have been adopted by his administration.[2] Certainly the tone and spirit of the message, as John Quincy Adams noted in his diary, were entirely unexpected, "a total reverse of the spirit which almost universally prevailed at the close of the last session of Congress, and in which the President notoriously shared."[3] It was rumored that Van

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[1] There is some evidence, besides strong antecedent probability, to show that Van Buren was consulted in the preparation of this message.

[2] "I have been only four times downstairs since the 15th of November last, although I have been obliged to labor incessantly."—(Jackson to Trist, March 2, 1837; Parton, *Jackson*, III, 624.)

[3] *Memoirs*, Dec. 22, 1836, vol. IX, 330. And see *Debates in Congress*, 24 Cong., 2 sess., 1141–1143.

Buren was the real author of the message. The Texan representatives thought its "cold-blooded" and "ungenerous" tone argued ill for the policy of the American government in the next administration,[1] and they believed that the best prospect of success lay in an immediate appeal to Jackson himself.

> "All that remains for me," wrote Wharton, "is to operate with the President, and to get him to quicken the action of Congress with another message. This I shall day and night endeavor to effect by using every argument that can operate upon his pride and his sense of justice."[2]

And for the next two months Wharton had many highly confidential interviews with the President, in which annexation as well as recognition were discussed.

But while Jackson listened benevolently, and told Wharton to be easy, for all would go right, he steadily declined to take any further public steps in the matter, although his private and personal sympathies were not disguised. The object of his message, as he explained to Wharton, had been to obtain the concurrent action of Congress; he wished the sense of Congress on the subject; he would immediately concur if a majority recommended recognition; and it was "all foolishness" to say that members of Congress would forbear voting for recognition for fear of being thought to be opposed to the administration. He did, however, send to the Committee on Foreign Affairs of the House a copy of a private letter from Austin, giving a long and detailed account of conditions in Texas, with some appended comments of his own favorable to recognition.[3] Early in February he told Wharton that Judge Ellis (then the United States minister in Mexico), who had just arrived in Washington, if called before the Committee on Foreign Affairs, could convince them in five minutes that a new invasion by Mexico was an utter impossibility. But although entirely undisguised and explicit in expressing his personal views, he still refused to send another message to Congress.[1]

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[1] Catlett to Austin, Jan. 11, 1837; *Tex. Dip. Corr.*, I, 173.

[2] Wharton to Houston, Feb. 2, 1837; *ibid.*, 180.

[3] Miss Rather, "Recognition of the Republic of Texas," in *Tex. Hist. Quar.*, XIII, 251.

Jackson was no doubt influenced chiefly by a desire not to embarrass Van Buren's administration by committing the executive branch of the government to a course which had not the support of Congress, and until the latter part of January he was probably not without hope that Santa Anna's visit to Washington might result in some sort of treaty between Mexico, on the one side, and the United States and Texas, on the other, which would solve all difficulties. But the firm refusal of the Mexican chargé d'affaires to have anything to do with Santa Anna put an end to that possibility. Until almost the last moment of the remaining weeks of his term of office the President, broken in health, allowed his public conduct in this matter to be governed by the views of Van Buren and Forsyth, and to put the responsibility upon the shoulders of Congress.[2]

Congress, on its part, was not much interested in the subject. The expunging resolution, the Treasury circular requiring specie payments for purchases of public lands, the admission of the state of Michigan, and the question whether anti-slavery petitions should be received, were far more attractive topics. Wharton tried hard to find members of the two houses who would urge early consideration of the claims of Texas, for he was in the greatest anxiety lest other matters should so occupy the time of Congress during the short session as to put off the business of recognition till the next December, and it was not until three weeks after the President's message was received that the subject was mentioned in either house.

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[1] Wharton to Austin, Jan. 6, 1837; Wharton to Houston, Feb. 2, 1837; Wharton and Hunt to Rusk, Feb. 20, 1837; *Tex. Dip. Corr.*, I, 171, 179, 195. Austin died Dec. 27, 1836, which was the reason why Wharton addressed Houston, the President. Zavala had also died, Nov. 15, 1836.

[2] There are some curious analogies between the position of President Jackson and his Secretary of State in reference to the recognition of Texas and that of President Grant and Mr. Fish in reference to the proposed recognition of the Cuban insurgents in 1870. General Grant was at first in favor of recognition, but was persuaded by Mr. Fish not to take the steps he had had in contemplation. — (Chadwick, *The Relations of the United States and Spain, Diplomacy*, 306 *et seq.*)

There had been, in fact, a considerable change in public opinion since Congress adjourned the previous July, when the Mexican atrocities and the sweeping victory of San Jacinto were fresh in men's minds. The possible effect of the proposed step on the subject of slavery was beginning to be recognized, and many men in public life were coming to see that it was something to be handled with great caution. However, on the eleventh of January, 1837, Senator Walker, of Mississippi, offered a resolution that, as there was "no longer any reasonable prospect of the successful prosecution of the war by Mexico," the independent political existence of Texas ought to be recognized. In offering it he explained that he had that morning received information from Vera Cruz that General Bravo's army, destined for an invasion of Texas, had been reduced to a very small number by desertion and other causes; that this "miserable remnant" was unsupplied with provisions; that Bravo himself had resigned the command; and that the proposed invasion had proved entirely abortive.[1] He did not, however, ask for immediate consideration of his resolution.

A month later Walker called up his resolution, but both Benton and Silas Wright objected—the former with rather uncalled-for vehemence—and the subject was postponed. The source of the objection suggests Van Buren as the person most anxious to defer the discussion, but indeed nearly all the administration senators from the Northern states thought it should be postponed.[2]

It was not until the first day of March that Walker could get a hearing, when he and Preston and Calhoun spoke strongly in favor of recognition. Both Clay and Buchanan were in favor of waiting. Norvell, of Michigan, a new member, proposed a substitute, which was lost by a vote of 16 to 25, and thereupon Walker's resolution was carried by 23 to 19. The division was mainly between the West and South in the affirmative and New England, New York, New Jersey, and Pennsylvania in the negative; but there were affirmative votes from Maine and Connecticut and negative votes from Georgia, Alabama, and Louisiana. Webster and Clay did not vote. On the next day a motion was made to reconsider the Walker resolution, which failed by a tie vote, 24 to 24.

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[1] Bravo was appointed Aug. 12, 1836, to succeed Urrea, whose deeds had by no means equalled his brave words. Bravo soon found, however, that the government could not, or at least did not, send him the men or the equipment which he considered indispensable if Texas was to be recovered, and he resigned, turning over the command to Ramires y Sesma. On November 21, 1836, a debate occurred in the Mexican Congress, in the course of which the Deputy Don Mariano Michelena seems to have made the assertions which Walker repeated, and which Tornel, the Minister of War, substantially admitted to be true. See *México á través de los Siglos*, IV, 380.

[2] Jenkins, *Life of Silas Wright*, 113.

In the House of Representatives Waddy Thompson, a South Carolina Whig, was the principal advocate of immediate recognition; but although he had displayed a good deal of temper when the President's message came in, he did nothing until the thirteenth of February, 1837, when he inquired why the Committee on Foreign Affairs had not acted. The committee did, however, report on Saturday, February 18, when it recommended the adoption of the following resolutions:

1. That the independence of the government of Texas ought to be recognized.
2. That the Committee on Ways and Means be directed to provide in the bill for the civil and diplomatic expenses of the government, a salary and outfit for such public agent as the President might determine to send to Texas.

On February 21, after some debate, these resolutions were laid on the table by a vote of 98 to 86. Six days later, on February 27, Thompson renewed his efforts by moving an amendment to the civil and diplomatic appropriation bill, while in Committee of the Whole, so as to provide for the salary and outfit of "a diplomatic agent" to Texas. After a very long discussion Thompson was beaten again, this time by a vote of 40 to 82.

On the following day, the last of February, after the bill had been reported to the House, the indefatigable Thompson again offered his resolution, in the following form:

"For the outfit and salary of a diplomatic agent to be sent to the independent republic of Texas ———— thousand dollars."

Again discussion ensued, but at length the word *independent* was struck out and the following phrase was added, viz.:

"Whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister."

In this form the amendment was adopted, by a vote of 121 to 76. The bill was passed by the Senate two days afterward without a division, and was approved by the President on March 3, 1837.[1]

The action of Congress, while finally favorable to Texas, had thus been exceedingly dilatory. It had also been made apparent that there was a very large minority opposed to any action, and probably a majority opposed to immediate recognition. The only measure which secured the approval of both houses was the bare permission given to the President to appoint a diplomatic agent whenever he might receive satisfactory evidence that Texas had become "an independent power." In effect, Congress had decided to leave the whole responsibility with the President.

Andrew Jackson was by this time ready to take all the responsibility. Many of those who had finally voted with Waddy Thompson undoubtedly expected that the incoming President would be the person to decide as to the status of Texas; but the Texan representatives had left no means untried to prevent that result. Jackson had been persuaded that the action of Congress was all that was necessary to enable him to take the decisive step to which he had long been inclined, and accordingly, the moment the diplomatic appropriation bill became a law, he sent to the Senate the following explanatory message:

"In my message to Congress of the 21st of December last," said the President, "I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. . . . Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcée La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas." [1]

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[1] 5 U. S. Stat. at Large, 170.

The nomination was received by the Senate during the legislative day of March 3, 1837, and on motion of Mr. Webster consideration thereof was postponed until the following Monday, the sixth of March. By that time Jackson was out and Van Buren was in the White House. La Branche's name was referred to the Committee on Foreign Relations, who reported favorably the next day, and the nomination was confirmed without objection.

It was too late for Van Buren to draw back, much as he and Forsyth might have wished to do so; but they managed to delay giving La Branche his commission until July 21, 1837. The official reception of the new Texan minister, General Hunt, was also put off, on the ground of the informal character of the credentials with which he had been furnished; but finally, on July 6, 1837, he was duly introduced at the White House, and received with the genial courtesy for which the new President was so noted.[2]

Public announcement of the fact that the United States government had recognized the independence of Texas was immediately followed by vehement protests from the Mexican authorities, who appealed to the principles laid down in President Jackson's special message of December 21, 1836, and asked—not without a good deal of justice—whether the situation of Texas had so changed since then as to justify recognition.[3] The Secretary of State did not attempt to answer this question, but simply replied that in recognizing the independence of Texas the government of the United States had acted upon the ordinary and settled policy which had been observed in many cases, including that of Mexico herself, and that this act did not proceed from any unfriendly spirit toward Mexico, and must not be regarded as indicative of a disposition to interfere in the contest between her and Texas.[1]

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[1] *Senate Executive Journal*, IV, 631. Shortly before midnight on the third of March Jackson sent for the Texan agents, told them what he had done, and "requested the pleasure of a glass of wine."—(*Tex. Dip. Corr.*, I, 201.)

[2] Hunt to Irion, July 11, 1837; *Tex. Dip. Corr.*, I, 235. In *Tex. Hist. Quar.*, XIII, 155–256, will be found further details concerning the subject of the recognition of Texas.

[3] Castillo to Forsyth, March 8, 1837; Monasterio to Forsyth, March 31, 1837; Sen. Doc. 1, 25 Cong., 2 sess., 131, 143.

Recognition having been secured, the Texans lost no time in bringing before the American government their proposals for annexation. These proposals had not originated with the people of the United States. They were the natural and inevitable result of the circumstances in which Texas was placed—a small, poor, and widely scattered population, mostly composed of natives of the United States who were living under the constant menace of invasion whenever Mexico could manage to collect the men and money necessary for that purpose. Protection by the United States was the simple, direct, and obvious means of securing the people of Texas in the peaceful possession of the settlements they had formed, and with an instinctive and all but unanimous movement they had turned for help to their powerful neighbor.[2]

The advantages to the United States of the acquisition of Texas were, however, no less obvious than the advantages which would accrue to Texas from being incorporated as a part of the American Union. The immense agricultural possibilities of the country, its evident adaptation as the home of many millions of people, and the fact that its possession would give to the United States a practical control of the world's supplies of cotton, were affirmative reasons of great weight. They had been clearly apparent to Adams and Clay and Jackson and Forsyth. In addition, it was beginning to be perceived that the existence of a separate and independent English-speaking country to the south of the

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[1] Forsyth to Castillo, March 17, 1837; Forsyth to Monasterio, May 22, 1837; *ibid.*, 135, 150.

[2] The provisional government, within five weeks after the battle of San Jacinto, declared itself ready to begin negotiations for annexation. Burnet to Collingsworth and Grayson, May 26, 1836; *Tex. Dip. Corr.*, I, 89.

United States could not fail to be a source of trouble and irritation. Nevertheless, the government of the United States made no move in the direction of annexation, and Calhoun seems to have been the only man in Congress who —up to the end of Jackson's administration, at least—had expressed himself as favorable to that policy. The overtures came from Texas, and dated back to the very beginning of the establishment of the constitutional government of the republic.

As early as the autumn of 1836, when Wharton was accredited as minister to the United States upon the formation of Houston's administration, his instructions were to the effect that next to securing recognition the great object of his mission was to effect the annexation of Texas to the United States, "on the broad basis of equitable reciprocity." In any treaty that might be made, the privilege of becoming a state of the American Union ought to be secured, and it should be provided that Texas might thereafter be subdivided into a limited number of new states at the pleasure of the people concerned. The location of Indian tribes, the settlement of public debts, and the adjustment of land-claims should all be arranged for. There must be no special restrictions or limitations as to slavery. As to boundaries, the Texan government asserted that they held possession as far as the Rio Grande, and they considered that this river ought to be the boundary to its source; but if "serious embarrassments or delays" would be produced by insisting on that line they would agree to a line following the water-shed between the Nueces and the Rio Grande, and would leave out the settlements in New Mexico.[1]

By further private instructions, Wharton was directed to stand very firm and yield nothing that would be likely to cause discontent in Texas. He was informed that there was a strong undercurrent of sentiment in favor of remaining a separate and independent republic, and if a treaty of peace could be effected with Mexico, and a friendly disposition were manifested by France and England, public opinion might decide in favor of independence, rather than annexation. This change in public opinion, it was said, would certainly take place if the government of the United States should prove adverse to annexation, or should fail to allow the most liberal terms. If such a disposition were manifested, the Texan minister was directed to "have full and free conversations with the British, French, and other foreign ministers" in Washington, with a view to enlisting the interest of their governments and securing recognition of Texan independence in return for a system of low duties and liberal encouragement to immigration.[1] Three weeks later, however, Austin wrote again to Wharton that public anxiety in Texas, on the subject of annexation, remained unabated, and that opinion in favor of the measure was more decided than before.[2]

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[1] Austin to Wharton, Nov. 18, 1836; *Tex. Dip. Corr.*, I, 127–135. These instructions followed a joint resolution of the Texan Congress passed Nov. 16, 1836.—(*Laws of the Rep. of Texas*, I, 29.)

But before Wharton had been long within the United States he discovered what he described as a bitter opposition to annexation.

> "The leading prints of the North and East and the abolitionists," he reported from Kentucky, "every where oppose it on the old grounds of an opposition to the extension of slavery and of a fear of southern preponderance in the councils of the nation. Our friends, by which term I now mean those of Louisiana, Mississippi, Kentucky, etc. (for I have seen and conversed with no others as yet) oppose our annexation, on the grounds that a brighter destiny awaits Texas."

As a state in the Union these friends thought Texas would be oppressed by "high tariffs and other Northern measures," and would be driven to nullification and ultimately to civil war. Nevertheless, Wharton continued to believe in the policy of annexation, although he saw with remarkable clearness the difficulties in the way.

> "To be plain and candid," he continued in the same letter, "I believe the recognition of our independence will certainly take place,

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[1] Austin to Wharton, Nov. 18, 1836; *Tex. Dip. Corr.*, I, 135–140.
[2] Same to same, Dec. 10, 1836; *ibid.*, 150.

but I have not at present much hopes of our being annexed. That question when proposed will agitate this union more than did the attempt to restrict Missouri, nullification, and abolitionism, all combined."[1]

The events of the next eight or nine years bore signal witness to the wisdom of this forecast.

When Wharton finally reached Washington, about the middle of December, the prospects of annexation seemed still more doubtful. Some of the Southern senators appeared friendly, but the Secretary of State, although himself a Southerner, was not at all encouraging. In reply to a direct inquiry from Wharton, Forsyth said that "various conflicting sectional interests in Congress would have to be reconciled before annexation would be agreed to"; that, if a treaty of annexation should be made by the administration, he thought it would be consented to by the Senate; and he added that "he thought it would be best done under the administration of a Northern President." This, as Wharton pointed out, was simply postponing the subject for at least a year, though he then believed that Van Buren would favor annexation.[2] But for months the Texan representatives were uncertain and worried, as to what Van Buren would really do.

Although Van Buren, in the course of a long career in the active school of New York politics, had acquired a remarkably effective knowledge of political methods, it would be a mistake to regard him as nothing more than a party manager. He had strong and clear convictions on certain subjects, and was quite capable of expressing them upon suitable occasions with courage, and to his own hurt, although he was generally inclined, in his own phrase, to "the utmost prudence and circumspection" on delicate questions of public policy. He was usually a follower, rather than a leader, of public opinion, and anxious to find out what the people wanted before declaring himself; and this helped to make him a reputation as an extremely clever but shifty politician—an opinion which did not do justice to some really solid and admirable qualities.

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[1] Wharton to Austin, Dec. 11, 1836; *ibid.*, I, 151–154.

[2] Wharton to Austin, Jan. 6, 1837; *ibid.*, 169.

As Jackson's devoted adherent and political heir, it was to be expected that Van Buren would continue his predecessor's policies, and his first step after his inauguration was a significant confirmation of that expectation, for he retained all of Jackson's cabinet except Cass, the Secretary of War, who had already been appointed minister to France. Cass's place was taken by Poinsett, the former minister to Mexico.

For months after his inauguration Van Buren kept strictly to himself whatever views he may have had on the subject of Texan annexation. His thoughts were indeed occupied very largely by matters nearer home, for the purely domestic difficulties of the administration were extremely serious. In the first few weeks after March 4, 1837, the disastrous financial panic of that year was at its worst. The banks throughout the country suspended specie payments in the month of May, and the situation became so acute that the President found it necessary to summon a special session of Congress, to meet on the fourth of September, 1837.

The Texan representatives could not, of course, bring up the question of annexation until they had been formally received, which was not, as already stated, until July 6, 1837; in the meantime they were busy with inquiries and conjectures as to how the proposal, when made, was likely to be received by the administration. Before the inauguration Wharton reported that "the Van Buren party" were very fearful on the subject of annexation, as they believed it would become the controlling issue in the next elections, and that they would therefore try to postpone its consideration.[1] In July Hunt, who had succeeded Wharton as minister from Texas, wrote that he was satisfied the President's ambition would lead him "to distinguish his administration by such an accession of territory";[2] but on August 4 he could only say that the President had not yet determined what to do, "or at least he is doubtful as to what course of policy would be most popular—for that course he will be certain to pursue as soon as it is fairly ascertained." And Hunt added that since the first part of his letter was written he had received "intimations" which strongly confirmed him in the belief that the President would favor annexation.[1]

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[1] Wharton to Houston, Feb. 2, 1837; *ibid.*, 180.
[2] Hunt to Irion, July 11, 1837; *ibid.*, 240.

Thus emboldened, the Texan minister submitted to the State Department a long communication proposing annexation, giving a résumé of the history of both Mexico and Texas, and pointing out the mutual advantages to be derived from the course proposed, and the disadvantages that were likely to arise if Texas should remain an independent power.[2] This paper bore date the same day as Hunt's despatch to his own government just quoted.

Nearly a week later he sent a copy to Texas, explaining as his reason for the historical disquisition that it was indispensable to destroy the false impressions created by Gorostiza's pamphlet and other publications. "The French and English legations," he added, "are the only ones here that are not decidedly against us." He also mentioned that he had thought it best "to say nothing on the slave question, which, as you know, is more important than any other connected with the subject of annexation." As to the attitude of the administration, he thought they wished consideration of the question postponed, and that they were likely to "pursue an equivocating course." The President, Hunt believed, could not be re-elected unless he favored annexation. As to the cabinet, Poinsett (Secretary of War), Forsyth (Secretary of State), and Kendall (Postmaster-General) were favorable to annexation—especially Poinsett, who zealously advocated the measure.

So far Hunt on Thursday, the tenth of August; but in an agitated postscript, dated "Friday morning," he reported that Forsyth was "violently opposed" to annexation, and therefore "a traitor to the most delicate and deepest interests of those to whom he is indebted for the very power and influence which he is now attempting to exercise against them." Poinsett, however, was still true, and would retire from the cabinet if the question was not carried.[1]

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[1] Same to same, Aug. 4, 1837; *ibid.*, 247. Poinsett was probably Hunt's informant.

[2] Hunt to Forsyth, Aug. 4, 1837; H. R. Doc. 40, 25 Cong., 1 sess., 2-11.

Hunt was not kept long in suspense. An answer dated August 25, 1837, not only refused, in the most explicit terms, to enter upon any negotiation in regard to annexation, but stated that the subject would not be considered in the future.

> "Neither the duties nor the settled policy of the United States," said Forsyth, "permit them to enter into an examination of the accuracy of the historical facts related by General Hunt, nor to allow them, if even admitted to be correct, to control the decision of the question presented by him. The United States were foremost in acknowledging the independence of Mexico, and have uniformly desired and endeavored to cultivate relations of friendship with that Power. Having always, since the formation of their Government, been exempt from civil wars, they have learnt the value of internal quiet, and have consequently been anxious yet passive spectators of the feuds with which their neighbor has been afflicted. Although in the controversy between Texas and Mexico, circumstances have existed, and events have occurred, peculiarly calculated to enlist the sympathies of our people, the effort of the Government has been to look upon that dispute also, with the same rigid impartiality with which it has regarded all other Mexican commotions.
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> "In determining with respect to the independence of other countries, the United States have never taken the question of right between the contending parties into consideration. They have deemed it a dictate of duty and policy to decide upon the question as one of fact merely. This was the course pursued with respect to Mexico herself. It was adhered to when analogous events rendered it proper to investigate the question of Texian independence. . . .
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> "The question of the *annexation* of a foreign independent State to the United States has never before been presented to this Government. Since the adoption of their constitution, two large additions have been made to the domain originally claimed by the United States. In acquiring them this Government was not actuated by a mere thirst for sway over a broader space. Paramount interests of many members of the confederacy, and the permanent well being of all, imperatively urged upon this Government the necessity of an extension of its jurisdiction over Louisiana and Florida. As peace, however, was our cherished policy, never to be departed from unless honor should

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[1] Hunt to Irion, Aug. 10 and 11, 1837; *Tex. Dip. Corr.*, I, 252–256.

be perilled by adhering to it, we patiently endured for a time serious inconveniences and privations, and sought a transfer of those regions by negotiations and not by conquest.

"The issue of those negotiations was a conditional cession of these countries to the United States. The circumstance, however, of their being colonial possessions of France and Spain, and therefore dependent on the metropolitan Governments, renders those transactions materially different from that which would be presented by the question of the annexation of Texas. The latter is a State with an independent Government, acknowledged as such by the United States, and claiming a territory beyond, though bordering on the region ceded by France, in the treaty of the 30th of April, 1803. Whether the constitution of the United States contemplated the annexation of such a State, and if so, in what manner that object is to be effected, are questions, in the opinion of the President, it would be inexpedient, under existing circumstances, to agitate.

"So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texian minister plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part, so long as it can be reasonably hoped that Mexico will perform her duties and respect our rights under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico; a disposition wholly at variance with the spirit of the treaty, with the uniform policy and the obvious welfare of the United States.

"The inducements mentioned by General Hunt, for the United States to annex Texas to their territory, are duly appreciated, but powerful and weighty as certainly they are, they are light when opposed in the scale of reason to treaty obligations and respect for that integrity of character by which the United States have sought to distinguish themselves since the establishment of their right to claim a place in the great family of nations. . . . If the answer which the undersigned has been directed to give to the proposition of General Hunt should unfortunately work such a change in the sentiments of that Government as to induce an attempt to extend commercial relations elsewhere, upon terms prejudicial to the United States, this Government will be consoled by a consciousness of the rectitude of its intentions, and a certainty that although the hazard of transient losses may be incurred by a rigid adherence to just principles, no lasting prosperity can be secured when they are disregarded."[1]

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[1] H. R. Doc. 40, 25 Cong., 1 sess., 11-13.

To Forsyth's note Hunt returned a somewhat uncivil reply. As the United States, he said, had declined the generous offer of Texas, the latter would feel free to look solely to her own interests. If, for example, she should lay heavy duties on cotton-bagging and provisions, "such as would amount to an almost total prohibition of the introduction of those articles," or if she should establish intimate commercial relations with Great Britain and France, to the practical exclusion of the United States, she must not be blamed for looking solely after her own interests.[1] This not very formidable threat called for no answer, and none was sent.

The Texan representatives, however, hoped for some weeks that the American government might be induced to reconsider its action. Forsyth was represented as being friendly at heart, and as thinking that annexation would come about in time if matters were properly conducted in Texas.[2] Poinsett, the Secretary of War, gave assurances that he was still firm in support of annexation, and the cabinet as a whole was said to be merely "acting with a sort of diplomatic caution out of deference to the prejudices of the North."[3] On the other side in politics Clay was quoted as saying that he was friendly to the annexation of Texas, "but that in his opinion the time had not arrived when the question could be taken up in Congress with any probability of success."[4]

But notwithstanding these vague and polite assurances, the agents of Texas very soon acquired the conviction that no favorable result could be looked for until there was a great change in public opinion. The "determined and uncompromising" character of the opposition from the Northern and Eastern states was what was understood to weigh with the administration. All contemporaneous opinion considered that the action of the government was solely due to Northern opposition to the extension of slavery, and it is indeed abundantly clear that the existence of slavery in Texas delayed and prevented action by the United States on the subject at that time. The friends of the measure who were in the confidence of the President and his cabinet assured the Texan minister that it was "impossible to jeopardize the strength of the party in the North by precipitate action upon the subject." [1]

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[1] Hunt to Forsyth, Sept. 12, 1837; *ibid.*, 14–18.

[2] Hunt to Irion, Nov. 15, 1837; *Tex. Dip. Corr.*, I, 268.

[3] Grayson to Houston, Oct. 21, 1837; *ibid.*, 265.

[4] Hunt to Irion, Jan. 31, 1838; *ibid.*, 287.

The one fact which seems to have chiefly impressed the Texan representatives was the astonishing volume of petitions that were being presented to Congress. "Petitions upon petitions still continue pouring in against us from the North and East," wrote the Texan minister in Washington, describing what he called "the furious opposition of all the free States." [2] "I regret the presentation of so many petitions against Texas from the Northeastern states," was the comment of the Texan Secretary of State in a previous letter to the same effect, "I had anticipated opposition from that quarter, but did not suppose it would be so determined and uncompromising in its character." [3]

In the face of this attitude on the part of the government of the United States and a large proportion of its people, the proposal for annexation was withdrawn by the Texan government,[4] and the people of Texas turned their thoughts in other directions and began to consider whether, after all, an independent existence might not be to their interest.

> "The prompt and decided refusal of the Government of the U. States to act in favor of the proposition," said the Texan Secretary of State, "has had a tendency to fix the opinions against admission of those who were wavering on the subject. So great has been the change in public sentiment that it is probable should the vote be again taken at the next September election that a majority would vote against it. Therefore, I do not believe that any future administration will attempt such a negotiation." [5]

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[1] Hunt to Irion, Oct. 21, 1837; *ibid.*, 266.

[2] Hunt to Irion, Jan. 31, 1838; *ibid.*, 287.

[3] Irion to Hunt, Dec. 31, 1837; *ibid.*, 277.

[4] Same to same, May 19, 1838; *ibid.*, 329. Also Jones to Vail, Oct. 12, 1838; H. R. Doc. 2, 25 Cong., 3 sess., 33.

[5] Irion to Hunt, Dec. 31, 1837; *Tex. Dip. Corr.*, I, 279.

President Lamar, of Texas, who came into office in December, 1838, fully verified this prediction, for he not only failed to attempt any negotiations for annexation, but expressed himself as unable to discover any advantages in it.[1] With easy optimism and ambition, and a certain contempt for the unpleasant realities of life, he was looking forward to a powerful Texan nation, which should extend from the Gulf of Mexico to the Pacific, and ultimately afford a highway for commerce to the Indies by way of Galveston and San Francisco. These dreams were destined to become realities, but by other and far different agencies than those which Lamar imagined, and if he could have had his way he would have proved an obstacle, and not a help, to the accomplishment of the objects he had in mind.

It was indeed not surprising that Van Buren, oppressed by many cares, should have been willing to put aside the question of Texas when he saw how certain it was to arouse new controversies over the expansion of the slave territory of the United States. That subject, it was hoped, had been laid at rest by the adoption of the Missouri compromise; and it was believed that it would not again be brought to life so long as there was no addition to the possessions of the United States. But the moment any addition was made, the balance of power established by the compromise would be disturbed.

The year 1837 was a singularly unpropitious time for the discussion of so agitating a topic. In his inaugural address Van Buren had urged the importance of a spirit of forbearance in regard to the institution of slavery and the necessity of avoiding dangerous agitation if "the apprehensions of the timid and the hopes of the wicked" were to be disappointed. Agitation, however, could not be stilled by any presidential voice, no matter how persuasive, for the antislavery spirit had grown up during Jackson's eight years in the presidency to a most amazing extent.

The causes of this phenomenal growth and the sudden development of moral and quasi-religious fervor, which was the marked characteristic of the movement, are not altogether easy to trace; nor would the attempt to trace them fall within the proper limits of this work. But the strong and growing anti-slavery sentiment in the United States was henceforth so potent in its influence upon all subjects connected with the growth of the Southern portions of the country—it played so immense a part in all discussions relative to Texas annexation, and thus incidentally in the relations of the United States with Mexico—that the salient features of the development of the anti-slavery movement must be always clearly present in any study of these subjects. And although no attempt to inquire into its complex causes need here be made, the symptoms and results of the widening conviction that slavery was morally wrong, and should be put an end to, must be briefly stated.

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[1] Yoakum, II, 252.

The establishment of the *Liberator* by William Lloyd Garrison on the first of January, 1831, marked, if it did not occasion, the beginning of a period of thirty years of discussion which never failed to be earnest, and was very often violent and bitterly abusive. The founding of the American Anti-Slavery Association, in 1833, tended to foster the growth of the movement throughout the North, and the fact that this association represented the genuine convictions and hopes of a multitude of people was shown by the fact that by 1835 there were already two hundred local auxiliary societies, and in 1837 there were more than five hundred.

The rise of the militant abolitionist party was not, however, welcomed by the major part of the people of intelligence or wealth. Their opposition to the movement was partly due to the crude methods of the more active preachers of the cause, such as Garrison. His support of all sorts of then unpopular causes, including those of co-education of the sexes and the participation of women in public affairs; his supposed lack of adherence to established religious standards, and his rather ostentatious disregard of the customary amenities of life were some of the reasons why he and his followers failed to attract the more fastidious. But a much more fundamental reason why the out-and-out abolitionists always remained a relatively small group was because of the immense danger to the Union which their programme involved.

To the best minds of that day the perpetuation of the American Union and the avoidance of civil war seemed infinitely more important objects than the abolition of slavery. The thing which was nearest their hearts and deepest in their convictions was that the Union of the states should be perpetuated. If the Union could best be preserved by tolerating slavery, they were ready to tolerate it. The men who directed the affairs of the nation and the men who directed the affairs of the several states were all of one mind in this regard, and the great body of voters was all but unanimously of the same opinion. Until at least 1835 there was not a man in Congress of either house who was in favor of abolition. From 1835 to 1839 Slade, of Vermont, was alone in Congress as a professed representative of anti-slavery constituents; although Morris, of Ohio, joined an abolitionist society in 1835 and defended the cause in the Senate.

At the beginning of Van Buren's administration, therefore, almost all the men in public life, almost all the men of affairs, and, with few exceptions, all the churches and colleges throughout the country, especially those in New England, were arrayed against the abolition propaganda.[1] By the ruder elements of society the freely expressed dislike of educated people in the North for the active abolitionists was translated into violent acts. Abolitionist meetings in New York, Boston, Philadelphia, Cincinnati, and other smaller places were the signal for riots, which went to extraordinary lengths. In Boston, in 1835, Garrison was about to be lynched when the mayor managed to rescue him and lodge him in jail to save his life.[2] In some parts of New England the opposition to any movement for the benefit of negroes showed itself in the extravagant form of the suppression, by violent means, of schools for colored children;

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[1] Hart, *Slavery and Abolition*, 210-214.

[2] *Life of Garrison*, II, 1-37.

and this not only in cities like New Haven, but in rural towns like Canaan, in the heart of New Hampshire, and Canterbury, in the wilds of eastern Connecticut. In Illinois in November, 1837, Lovejoy, an abolitionist editor, was deliberately murdered by a mob.

It would, however, be a very great mistake to conclude that because the majority of the people of the Northern states were opposed to the methods and doctrines of those who advocated immediate abolition, they were insensible to the evils and dangers of slavery. On the contrary, there was always a very large proportion of the most influential men in the free states who were strongly opposed to slavery in principle, who believed it to be highly injurious to the best interests of the nation, and who would gladly have seen it abolished if any means of doing so could have been devised which did not seem to them likely to create even greater evils, and to endanger the very life of the nation. At the same time, they were strongly opposed to anything which would tend to increase what they regarded as a national misfortune, if not a crime, and they were, therefore, steadily hostile to any proposal to extend the area of slavery. They desired, in Lincoln's famous phrase, to "arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in course of ultimate extinction."

It was this feeling, not yet fully formulated, which had embittered the long discussion over the admission of Missouri. It was a very clear apprehension of the hostility with which any proposal to acquire additional slave territory would be viewed in the North, that had inspired Monroe in dealing with the problems raised by the Florida treaty. And there could be no question that the anti-slavery discussion from 1830 on, if it had thus far produced no direct results, had at least greatly strengthened Northern opposition to the spread of slavery.

The conduct of the Southern states was not calculated to relieve the tension. Violent language and unfounded assertions in the North were met with even greater violence and more extravagant statements in the South. It was impossible for an abolitionist to hold a public meeting in the Southern states or to print his views. Anti-slavery newspapers and pamphlets could not even be circulated through the mails, for the postmasters were authorized by the government to refuse to deliver such documents. In Congress the course of the Southern leaders was not only characterized by vehemence, but—what was worse for them—by extraordinarily bad judgment. Their most conspicuous and fatal blunder was the attempt to stifle discussion, by the adoption of the famous rule in the House of Representatives, in February, 1836, which provided that all petitions or papers "relating in any way or to any extent whatever to the subject of slavery shall, without being either printed or referred, be laid upon the table and that no further action whatever shall be had thereon."

The chief opponent of this measure was John Quincy Adams, whose views on slavery, until that time, had been those of the great majority of men in Massachusetts. He disliked slavery, but he thought that discussion of the subject "would lead to ill-will, to heart-burnings, to mutual hatred, where the first of wants was harmony, and without accomplishing anything else."[1] But the moment he believed that free speech was in danger his energies and his immense abilities were aroused. Characteristically, he conceived the most intense dislike of all those who opposed him. He regarded himself as the champion of a great moral cause, and he went into the conflict with a whole-souled bitterness that could not fail to attract universal attention and stir up the most furious antagonisms. The picturesque details of the controversy need not be gone into. In 1836 and 1837 it was at its height. One effect of it was to increase greatly the number of abolition petitions presented; while another effect was to add to the already dangerous acrimony with which every topic relating to slavery, including Texan annexation, was discussed in Congress.

[1] *Memoirs*, VIII, 454.

CHAPTER XVII

CLAIMS AGAINST MEXICO

Both Poinsett and Butler, when they were sent as representatives of the United States to Mexico, had been instructed to pay particular attention to two subjects: the negotiation of a treaty of commerce and the purchase of Texas. By the beginning of the year 1836 these subjects had been removed from the region of diplomatic discussion. The treaty of amity, commerce, and navigation ratified April 5, 1832, had put the ordinary relations of the two countries upon a basis that was regarded as reasonably satisfactory. The boundary line of 1819 had been explicitly affirmed by the treaty concluded January 12, 1828. The proposals to buy Texas had been fruitlessly and persistently urged for ten years, until further efforts were manifestly useless, and until the rising of the colonists indicated at least a possibility that Mexico, even if terms were agreed on, would be unable to deliver possession.

There was, however, another task for diplomacy which had not been in any way disposed of, although it had constantly been before the American legation, and that was the subject of the claims of American citizens. These claims were all based on asserted injuries to persons or property inflicted by the Mexican government or its agents, for which redress had been sought in vain. As early as the year 1826 Poinsett had been instructed by President Adams's administration to demand redress for damage sustained by the forcible seizure of the property of American citizens,[1] and a steady stream of similar applications had flowed in ever since, and always without result.

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[1] See Clay to Poinsett, March 20, 1826, *State Dept. MSS.*, where Clay writes in regard to the seizure and detention of the schooner *Fair American*: "Respect for the authorities of the United Mexican States alone forbids my characterising it by the epithet which belongs to the transaction." Most of the instructions of 1826 related to similar claims, and the number of demands increased in later years.

The Mexican government, almost from the very beginning of its independent existence, had been so weak, so inefficient, so tossed about between the several factions which gained from time to time a precarious control, that it had never been able to discharge effectually its international duties, and had been powerless either to prevent the commission of wrongs or to repair the injuries inflicted. Complaints to the Mexican Foreign Office were met by silence or evasion. It was difficult to get a reply to any communication.

> "When a delayed and apparently reluctant answer is wrung from the Secretary," the American chargé d'affaires reported, "we are merely told that the disorganized state of the political system precludes the General Government from exerting those powers with which they have been invested by the Constitution, and we are admonished to forbear complaints and remonstrances until the restoration of order may enable the Executive to discharge its functions and enforce the Laws; in the meanwhile however the interests of Foreigners, their persons and their property are exposed to daily violation and outrage by every petty officer either of the General or the State Governments and often without even a plausible pretext to excuse the delinquency." [1]

A little later the same official wrote, in a private letter to President Jackson:

> "Since the present party [Santa Anna and Gómez Farias] came into power I have been able to do nothing. During the last two months I have *not even received a reply* to the many official notes addressed to the Department of Foreign Affairs on affairs previously before it, as well as on many new Cases that are daily occurring; the British Minister informed me that he was similarly situated." [2]

By the following summer the American government began to show signs of impatience.

> "The President," wrote the Secretary of State, "dissatisfied with the continued delays which have taken place in adjusting the points

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[1] Butler to McLane, Aug. 5, 1833; *State Dept. MSS.*

[2] Butler to Jackson, Sept. 14, 1833; *Texan Archives MSS.*

> at issue between the two Governments, directs that you will take an early occasion, after the receipt of this communication, to bring them again before the Mexican Government, and to obtain a prompt and definite answer.
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> "You will also state that the United States hold the Federal Government of Mexico alone accountable for such injuries to their citizens as merit national interposition; and that the requirement of the Minister of Foreign Affairs in his note to you of the 24th of October last, that the claimants should present their demands in person at the Mexican Treasury, is too unreasonable to be submitted to. Indeed, taken in connexion with the refusal to examine any of the claims until all shall be presented, it is tantamount to a denial of justice."

And Butler was directed, in case a prompt and favorable answer was not given, to return home.[1]

In the following winter the subject was brought before Congress soon after its meeting. On January 5, 1835, the President sent to the House of Representatives a report from the Secretary of State, which was to the effect that the representatives of the United States in Mexico had, from time to time, addressed the Mexican government in relation to American claims, but in consequence of the disturbed condition of the country, entirely without success.[2] He also repeated the substance of a despatch from Butler, dated October 20, 1834, written at a time of political excitement in Mexico, when Santa Anna had taken over the government from Gómez Farias, and had directed the election of a new Congress.

> "There is strong ground for believing," said Butler, "that very important changes will be made in the Cabinet by the time, or very shortly after, the meeting of Congress; and should the offices be filled, as there is strong reason for believing they will be, I shall be able to close in the most satisfactory manner every negotiation on every subject now pending." [3]

Butler's optimistic expressions, as usual, rested on nothing but his wish to be kept in office, and during the next eighteen months, while he continued to represent the United States, he did not settle a single claim. In July, 1835, however, the patience of the American government was exhausted, and Butler was told that his successor would be appointed in the following December, although he was given one last opportunity to make good some of his confident assertions. As he still proved wholly ineffectual, the President on December 17 nominated as chargé d'affaires to Mexico, Powhatan Ellis, of Mississippi.[1]

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[1] McLane to Butler, June 24, 1834; H. R. Doc. 351, 25 Cong., 2 sess., 144.

[2] H. R. Doc. 61, 23 Cong., 2 sess.

[3] H. R. Doc. 351, 25 Cong., 2 sess., 542.

Ellis was a little over forty years old, a native of Virginia, and a graduate of William and Mary. He had been for several years an inconspicuous member of the House of Representatives, and afterward of the Senate. He was a lawyer by profession, and at the time of his appointment to Mexico was district judge of the United States for the district of Mississippi.

His instructions, dated near the end of January, 1836, were in marked contrast to those which were given to his two predecessors. The proposals for a treaty of commerce, and the proposals for the purchase of Texas, which had been the principal objects of Poinsett's and Butler's missions, were now passed over, and attention was particularly called to the large and numerous claims of American citizens against the Mexican government.

> "Provision for their payment," he was told, "is pertinaciously withheld, and the justice of most of them has not been acknowledged. . . . Though the President is willing to look with indulgent consideration upon the almost incessant commotions in Mexico, which, by weakening the authority of the Federal Government, may have encouraged the perpetration of the acts complained of, and, by exhausting its resources, have, perhaps, made it impossible to grant immediate relief to the injured, he thinks that they afford no sufficient apology for refusing or declining thus long to examine the claims."[2]

Thus the refusal to examine the claims was made the basis of the complaint against the Mexican government, and it was this feature, rather than a failure to pay, that was to be emphasized.

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[1] See *Senate Executive Journal*, IV, 488, 502.

[2] Forsyth to Ellis, Jan. 29, 1836; H. R. Doc. 351, 25 Cong., 2 sess., 160-162.

Ellis evidently took himself and his instructions very seriously. As soon as he had established himself in Mexico he went vigorously about the business of pressing the American demands on the distracted government, which was then straining every nerve to sustain Santa Anna's advance into Texas, and he very soon convinced himself of the merit of all the claims presented. "Our countrymen here," he wrote on April 30, 1836, when he had been but a few days in Mexico, "are exceedingly anxious in regard to their claims on the Mexican government; and, if their own accounts be true, their sufferings and wrongs deserve the prompt and effectual protection of our government."[1] A month later he wrote again that the "long forbearance" of the American government had had "the most unhappy influence on the Mexican people."

> "They look upon us as either too imbecile, or afraid to vindicate our just rights; and hence the continual injuries inflicted upon the persons and property of citizens of the United States. So long, then, as these impressions prevail here, I am deprived of the power of rendering but little service to my countrymen. . . . I would respectfully suggest the propriety of pursuing a different policy in our intercourse with the Mexican States. They ought to be made to understand that the seizure and condemnation of the property, and the imprisonment of American citizens, without in some instances even the color of law to warrant it, will be arrested by a Government whose uniform policy has been to resist violence and aggression from all foreign powers."[2]

Ellis had not the gift of clear expression, but his meaning, at any rate, was plain enough. His advice to use forcible means for impressing the Mexican people, and for putting an end to "violence and aggression," was well calculated to appeal to an administration which had just succeeded in settling a most threatening dispute over the long-outstanding claims of American citizens against the government of France; and the preliminary steps were taken with promptitude and vigor.

Congress adjourned on July 4, 1836, and immediately afterward the State Department sent new and detailed instructions on the subject of claims, taking as a text the "outrageous conduct" of the Mexican authorities at Tabasco with regard to an American schooner stranded near that port. After referring to a number of other instances in which very serious wrongs were alleged, Ellis was directed to address immediately "a strong but respectful representation to the Mexican government" on the subject of these and "the numerous other complaints, which had been made from time to time, and which still remain unredressed"; and he was to ask such reparation as these accumulated wrongs might, on examination, be found to require.

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[1] Ellis to Forsyth; *ibid.*, 591.

[2] Ellis to Forsyth, May 28, 1836; *ibid.*, 591–592.

> "If, contrary to the President's hopes," the instructions ran, "no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things shall continue longer, you will give formal notice to the Mexican government that unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States bringing with you the archives of the legation."[1]

Such instructions, given little more than three months after the battle of San Jacinto, were not very generous to a nation plunged in hopeless difficulties; but at least they were well calculated to bring the Mexican Foreign Office to the conviction that the United States meant business.

Ellis, from point to point, faithfully obeyed his orders. On September 26, 1836, he addressed the required communication to the Minister of Foreign Relations, reciting the several cases specified by Forsyth, and referring generally to the other claims, theretofore presented, and the "unexpected procrastinations" of the Mexican government in affording redress for injuries marked by the strongest evidence of cruelty and injustice. And, in conclusion, he peremptorily demanded prompt satisfaction.

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[1] Forsyth to Ellis, July 20, 1836; Sen. Doc. 160, 24 Cong., 2 sess., 133-136.

> "The undersigned, therefore," he wrote, "in compliance with instructions from the President of the United States, demands that full reparation be made to all persons who have sustained injury from the several cases now set forth; that all private claims of citizens of the United States on this Government be promptly and properly examined and suitable redress afforded; and that due satisfaction be given for the numerous insults offered to the officers and flag of the United States, as heretofore represented."[1]

The Mexican Foreign Office, a week later, sent in reply the usual light-hearted and meaningless formula. The documents in regard to the various matters mentioned, some of which related to affairs of distant dates, would be sent for and submitted to His Excellency the President *ad interim*, and a statement of the result would be sent to Mr. Ellis as soon as practicable (*con toda oportunidad*).[2]

Ellis never had much expectation of accomplishing anything,[3] and therefore, as soon as the three weeks mentioned in his instructions were up, he wrote, calling attention to his note of September 26, and stating (in Forsyth's precise words) that unless redress was afforded without unnecessary delay, "the longer residence of the undersigned, as the representative of the government of the United States of America, near that of Mexico, will be useless."[4]

This time, an immediate answer was returned. The minister had seen with regret Mr. Ellis's note. The Mexican government could not understand that a delay in replying to a note, however important, could of itself justify so grave a step as breaking off diplomatic relations. In the present case there was good reason for the delay, from the want of documentary evidence (*falta de antecedentes*) in the department, and it was necessary to get documents from the other departments, and even from the state governments; and besides this, it would take time to examine them with care, and to prepare a proper answer. All that could be done at present was to give assurances that as soon as the necessary papers were collected an answer should be made; that the documents had already been sent for, and that their transmission should be hastened.[1]

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[1] Ellis to Monasterio, Sept. 26, 1836; Sen. Doc. 160, 24 Cong., 2 sess., 138–143.

[2] Monasterio to Ellis, Oct. 3, 1836; *ibid.*, 143.

[3] Ellis to Forsyth, Oct. 11, 1836; *ibid.*, 152.

[4] Ellis to Monasterio, Oct. 20, 1836; *ibid.*, 153.

This naive admission that the Foreign Office had for years made no effort whatever to collect the essential information upon claims which had been repeatedly called to its attention, fully justified all that the American and other foreign representatives had said of the wilful delays of the Mexican authorities. Claims were made, polite replies were sent to the effect that the matter should be investigated, and nothing was ever done. Now, an indefinite promise was tardily given, that an investigation should be made as soon as possible, but no limit of time was even hinted at.

Ellis, without consulting his own government, concluded that the occasion had arisen for proceeding to the next step called for by his instructions, and he accordingly wrote to the Foreign Office that unless "a satisfactory answer" should be received within two weeks, he was directed to demand his passports, and return to the United States.[2]

Within the two weeks a long and argumentative reply was received from the Foreign Office. In general, the ground was taken that in all cases the Mexican courts were open to the claimants, and that the grievances complained of were not the subject of diplomatic action. Examining in order the specific cases mentioned, it was said that in half of them no sufficient information had yet been received; as to others, that the parties had failed to prosecute their cases in the Mexican courts; as to one case, that orders had been given to hasten litigation already begun; and as to others, that the statements of facts made by the claimants were untrue, or "exaggerated." In regard to all cases not stated in detail, the request was made that they should be specified before taking them into consideration. The note concluded by rhetorical professions of the willingness of the Mexican government to satisfy all claims which should be properly proved; by denials that the government had ever been guilty of "illegal, arbitrary, and violent acts"; by allusions to American citizens who had been guilty of smuggling—especially in Texas, and by references to "the scandalous proceedings of the authorities in New Orleans" in regard to the Mexican schooner *Correo*.[1]

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[1] Monasterio to Ellis, Oct. 21, 1836; *ibid.*, 153.

[2] Ellis to Monasterio, Nov. 4, 1836; *ibid.*, 156.

Ellis replied at much length to this communication, which he declared was not a satisfactory answer. He had, therefore, he said, but one course to pursue, especially in view of an outrage committed only a few days before on an American merchant vessel, in the port of Vera Cruz,[2] and the very recent promotion of the notorious General Gregorio Gómez.[3] Entertaining no hope of a satisfactory adjustment of the questions in controversy, he felt it his duty to request his passports, and an escort to Vera Cruz.[4]

On December 27, 1836, Ellis left the city of Mexico, joined the U. S. S. *Boston* at Vera Cruz, and reached Washington by way of New Orleans, about the beginning of February, 1837. Shortly before his departure from the Mexican capital Gorostiza arrived there; and his government, after hearing what he had to say, wrote to Ellis their thorough approval of Gorostiza's conduct.[5] This act, of itself, required Ellis (under instructions previously sent but not received when he left) to return at once to the United States.[6]

The return of Ellis to Washington, bringing full information of his fruitless negotiations with the Mexican government, was followed by a violent outbreak from the President, occasioned, very likely, quite as much by the explicit approval of Gorostiza's course, as by the failure to secure any acknowledgment of American claims. The latter, however, was the ostensible cause of Jackson's excited utterances, which were in rather striking contrast to the tone of his former messages to Congress.

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[1] Monasterio to Ellis, Nov. 15, 1836; *ibid.*, 42–51. As to the affair of the *Correo*, accused of piracy, see *ante*, page 279.

[2] The facts in regard to this vessel, the brig *Fourth of July*, will be found in Sen. Doc. 160, 24 Cong., 2 sess., 167–169.

[3] This man was the executioner of the Tampico prisoners in December, 1835. See page 307, above.

[4] Ellis to Monasterio, Dec. 7, 1836; *ibid.*, 62–70.

[5] Monasterio to Ellis, Dec. 21, 1836; *ibid.*, 83.

[6] Forsyth to Ellis, Dec. 10, 1836; *ibid.*, 157–161.

In his annual message of December, 1835, just before Ellis's appointment, the President had contented himself with a just, but very general allusion to claims against several of the Latin-American nations. Mexico was not specifically mentioned, but the reference to the governments "self-tormented by domestic dissensions . . . upon which our citizens have valid and accumulating claims," were as applicable to that unhappy country as to any of her southern neighbors.

> "Revolution," said the President, "succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a government sufficiently stable is erected to justify expectation of redress—ministers are sent and received, and before the discussions of past injuries are fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown."

To this not too highly colored picture, Jackson added the warning that, if this state of things should continue much longer, other nations would be under the painful necessity of seeking redress "by their own power."

A year later, the annual message of December 6, 1836, contained a specific reference to the American claims on Mexico. The President expressed himself as fearing that "the irritating effect of her struggle with Texas" might lead Mexico to delay acknowledging and paying these "ancient complaints of injustice."

> "I trust, however," he added, "by tempering firmness with courtesy, and acting with great forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress."

The amicable tone of this passage made the language of the special message sent in just two months later, all the more remarkable.

> "At the beginning of this session," said the President in the message of February 6, 1837, "Congress was informed that our claims upon Mexico had not been adjusted; but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. . . . The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate War. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided."

As an alternative to a declaration of war, therefore, it was suggested that an act be passed authorizing reprisals, and the use of the naval force of the United States to enforce them, in case Mexico should refuse an amicable adjustment upon another demand being made from on board a naval vessel. Congress, however, was not quite so ready as the bellicose President to take strong measures with Mexico. The administration was within four weeks of its close, and Congress could hardly have been expected, just at the end of the session, to adopt any measure so serious as that proposed. The committees of both houses did, however, bring in reports.

In the Senate, the Committee on Foreign Relations—probably under the inspiration of Van Buren—recommended following the President's advice, and giving Mexico "one more opportunity to atone for the past." This was to be done by presenting "a statement of such injuries or damages, verified by competent proofs," in strict accordance with article XXXIV of the treaty of 1832. The committee proposed to leave the mode and manner of making this demand to the President of the United States.

Clay and Buchanan, on February 27, 1837, spoke in support of the resolution offered by the committee, and upon calling for the yeas and nays, forty-six senators (out of a total membership of fifty) voted in the affirmative, and none in the negative. Among those who voted were such opponents of the administration as Clay, Morris of Ohio, and Webster.

In the House, the Committee on Foreign Affairs brought in a report on February 24, in which they recommended that "another demand, made in the most solemn form," should be tried; and they recommended that "a diplomatic functionary of the highest grade should be appointed to bear this last appeal." Time did not permit any discussion on the report, and no action was taken by the House upon it, but an item of eighteen thousand dollars was inserted in the civil and diplomatic appropriation bill for the salary and outfit of a minister to Mexico whenever, in the opinion of the President, diplomatic intercourse with that power could be honorably renewed.[1]

President Jackson took no action under this clause of the appropriation bill, though he had been quick to act on the previous clause in the same bill, authorizing the appointment of a diplomatic agent in Texas. But Van Buren on March 6 nominated Ellis as minister, and he was confirmed by the Senate without opposition on March 9, 1837.[2]

When Van Buren came into office the whole subject of the American claims against Mexico was, therefore, still open. It seemed to him apparent that both branches of Congress were agreed in thinking that if one more demand for redress were made and refused, the United States might justly declare war, but that neither house was willing to give the President discretionary authority to make reprisals, or to take any other final action before such a demand was made. The duty of the President, upon this view of the situation, seemed plain. Unless he was prepared to abandon the claims altogether, he could do nothing else than present his demand, receive the reply of the Mexican government, and if (as was to be anticipated) it proved unfavorable, submit the matter again to the consideration of Congress.

That programme was accordingly carried out. Instead, however, of sending a minister to Mexico to present once more the claims of the United States, Mr. Robert Greenhow, the interpreter of the State Department, was despatched in June, 1837, from Pensacola to Vera Cruz, with a long letter from Forsyth, addressed to the Minister of Foreign Affairs of the Mexican republic, "inviting for the last time, the serious attention of the government of that country to the numerous, various, and long-standing complaints of injuries to the citizens, and insults to the officers, flag and government of the United States, by Mexican authorities."[1] With this went a detailed statement of claims under fifty-five heads, accompanied by documentary proofs. An answer was immediately returned, which contained assurances that the government of Mexico earnestly desired to give a prompt and explicit answer to each of the claims to which the demand related, and that nothing should be left undone to effect a speedy and equitable adjustment of all the matters which had occupied the attention of the government of the United States.[2] The changed tone of this communication was probably due in some measure to the fact that France was also making very pressing demands. The Mexican Congress had, in fact, been already induced to authorize the government to act in the matter, for by a law of May 20, 1837, the settlement of claims by or against the United States, by agreement if possible, and, if not, by a joint submission to the arbitration of a foreign power, was provided for. If the United States refused to settle the reclamations of Mexico, the ports of the nation were to be closed to American vessels, and importation of American goods was to be prohibited.[3]

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[1] 5 Stat. at Large, 170.

[2] *Senate Executive Journal*, V, 13, 23.

Agreeably to the promises of the Minister of Foreign Relations, Mr. Martinez, the new Mexican minister, reached Washington on October 14, 1837, and on November 18, 1837, he wrote to the State Department a series of letters which did not in any sense constitute a complete reply to the final demand formulated by the American government six months earlier.[1]

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[1] Forsyth to Minister of For. Aff., May 27, 1837; Sen. Doc. 1, 25 Cong., 2 sess., 105–108.

[2] Cuevas to Forsyth, July 29, 1837; *ibid.*, 109–111.

[3] Dublan y Losano, III, 392.

President Van Buren, in his annual message of December 5, 1837, referred in detail to this correspondence, and pointed out that although the larger number of claims had been before the Mexican government for years, and although some of the most serious admitted of "immediate, simple, and satisfactory replies," yet after a delay of months since the latest demand had been made, satisfaction had not even been offered for any one of the public complaints, only a single one of the cases of personal wrong had been favorably considered, and but four cases out of over fifty had been answered at all.

> "Considering the spirit manifested by the Mexican Government," continued the President, "it has become my painful duty to return the subject, as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measure of redress."

Congress, however, was not able to come to any determination. In the House, a week before final adjournment, the majority of the Committee on Foreign Affairs presented a report suggesting decisive action, but Cushing, of Massachusetts, brought in a minority report, expressing the view that the errors of the Mexican government were in so great a degree the result of revolutionary changes, induced by her struggle for independence, as to require the United States to receive her overtures with indulgence.[2] Adams presented a series of resolutions, ending with a request to the President to resume amicable relations with Mexico.[3] No action was taken on any of these propositions, all of which were laid on the table.

The Senate did nothing. Four months after the session opened, Senator Buchanan, in reply to a question, explained that, as any measure the Senate might adopt would be such

[1] Martinez to Forsyth, Nov. 18, 1837; Sen. Doc. 1, 25 Cong., 2 sess., 113-128.

[2] *Cong. Globe*, 501, July 7, 1838. See H. R. Reports 1056, 25 Cong., 2 sess.

[3] *Ibid.*, 187, Feb. 19, 1838.

as would be likely to lead to war, the Committee on Foreign Relations were of opinion that they should wait for the House of Representatives to take the lead. An examination of the precedents, he said, showed that ever since the foundation of the government, coercive measures had always originated with the immediate representatives of the people.[1]

Although he did not say so, Buchanan, as chairman of the Committee on Foreign Relations, had probably been told in confidence that the administration was at that moment about to enter upon negotiations with Mexico for a settlement of all claims by arbitration. Such negotiations were, in fact, carried through successfully, and on September 11, 1838, a convention for that purpose was signed. For some reason Mexico did not ratify this convention within the time agreed on, but a new one was entered into the following April, and in 1840 the arbitrators began their sessions. There was a board composed of two commissioners on each side, and an umpire, Baron Roenne, appointed by the King of Prussia. The time limited by the treaty expired before all the claims presented were finally disposed of, but the two commissioners, without reference to the umpire, allowed nearly $450,000; and in cases where the board could not agree, Baron Roenne awarded over a million and a half more. The claims actually disposed of, all of which were for unliquidated damages due to American citizens, naturally exceeded greatly the amounts allowed. They aggregated $6,648,812.88, and the awards amounted in all to $2,026,149.68, or over thirty per cent of the amounts originally demanded—rather an unusually high percentage in cases of this kind.[2]

Before the treaty of arbitration had been concluded, Adams, in the House of Representatives, took occasion to make an attack of extreme bitterness upon the administrations of both Jackson and Van Buren for their conduct in respect to Texas and Mexico.[1] Speaking on July 5, 1838, he declared that "a system of deep duplicity worthy of Tiberius Cæsar, or Ferdinand of Aragon . . . had been pursued by the administration ever since the 4th of March, 1829," and that the object of this system was "the breeding of a war with Mexico, in order that, under the cover of such a war we might accomplish the annexation of the province of Texas to this Union." Adams was unable to complete his speech before the final adjournment of Congress, but he published it as a pamphlet, with a preface and a supplement, in which he stated that the presentation of the claims against Mexico had been deliberately managed so as to be a step toward "fretting the people of this Union into a war with Mexico, and that this object was pursued by indirect means and with a double face."

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[1] *Ibid.*, 299, April 11, 1838.

[2] A detailed account of the proceedings under the claims convention of 1839 will be found in Moore's *International Arbitrations*, II, 1218–1245.

So far as Van Buren was concerned he could afford to laugh at these denunciations; for at the very time that Adams was speaking, the administration was busy settling the details of the treaty of arbitration. But the record of Jackson's administration for good or ill had been finally closed, and upon that record the judgment of history must be made up.

The conclusions to be reached as to Jackson's conduct in this business will principally depend upon the opinion to be formed as to his personal character; for the facts being now generally accessible, are not, in any material respect, in doubt. Adams looked upon Jackson as a man capable of carrying out a long-meditated system of "deep duplicity" which involved such subtle intrigue as the careful fabrication of a letter years in advance of its production; but the patient plotting requisite to the carrying out of such a system is foreign to the judgment that has generally prevailed in regard to Jackson's character. It seems far more in accordance with his impulsive and wilful nature to suppose that the violent course he pursued in reference to the presentation of the claims on Mexico was the result of genuine indignation at her procrastination, and at Gorostiza's insulting language, rather than to believe that it was the result of a complicated plot.

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[1] *Speech . . . on the Freedom of Speech and of Debate, etc., delivered in the House of Representatives in fragments of the morning hour, from the 16th of June to the 7th of July*, 1838, *inclusive.*

The bullying methods he adopted toward Mexico were the subject of just criticism, but there were extenuating circumstances. Jackson was pursuing substantially the same methods which he had adopted with success in his controversy with France only a short time before; and he was recommending precisely the methods which France, in her turn, was adopting with respect to her claims on Mexico, at the very time when the United States was settling its difficulties by the peaceful methods of arbitration. An account of what was done by the French government to enforce the claims of their subjects against Mexico is, therefore, of special interest as exhibiting, in the first place, what the public opinion and the practice of the leading European nations considered justifiable in such cases; and, in the second place, as throwing light upon the military and naval problems with which the United States at a later period undertook to deal, and upon the curiously compounded character of General Santa Anna.

The claims presented by the French against the Mexican government were entirely similar in their nature and origin to those presented by the government of the United States; but they were much smaller in amount. Some vague promises of settlement had been made by Cuevas, the Minister of Foreign Relations, in the spring of 1837, but nothing definite was done during that year, so that finally, in despair, the French minister, Baron Deffaudis, took his departure. When he reached Vera Cruz, he was met by instructions from his government, in consequence of which he addressed a renewed demand for reparation from on board a French naval vessel.

In this paper the French representative, after setting out in a general way the claims presented since 1825 by his government—none of which had been settled—went on to remark upon the policy pursued at different times by the

Mexican government in dealing with such complaints. The first plan, he said, consisted in excusing the injuries committed on foreigners by reason of the backward and disturbed condition of the country, the imperfection of its organization, and the inexperience of its subordinate officers; and in promising that reparation would be made as soon as the financial condition of the republic would permit. Subsequently the Mexican government had changed its tone. Instead of making promises, it had resorted to interminable delays and controversies, and to wholesale assertions that the allegations of the complainants were false and offensive to the Mexican government and people.

In conclusion, the French representative demanded the immediate payment of six hundred thousand dollars in cash; the dismissal from the service of various Mexican officials, including the same General Gómez of whose promotion Ellis had complained; an agreement never to impose forced loans on French subjects; and a treaty permitting French subjects to carry on retail trade on the same footing as Mexican citizens. The last two concessions were said to have been previously granted to British subjects. A reply would be awaited for three weeks, or until April 15, 1838. If this reply should not be perfectly favorable upon every single point, or if it were delayed beyond the fifteenth of April, the whole subject would be placed in the hands of Captain Bazoche, commanding the French naval forces, who would carry out the orders he had received.[1]

The French ultimatum was at once laid before the federal Congress, with the statement that the Executive had replied to Baron Deffaudis by telling him that the honor of the Mexican nation would be outraged if it entered into negotiations while France retained its threatening attitude, and so long as its squadron was before the Mexican ports. Congress was delighted with this reply, "and the whole country applauded a response which was in accordance with the sentiments of all classes of society."[2]

[1] Blanchard et Dauzats, *San Juan de Ulúa, ou Relation de l'Expédition Française au Mexique*, 229-250.

[2] Zamacois, *Historia de Méjico*, XII, 132.

Before this controversy with the French government General Bustamante had again become President. He was elected by Congress in the spring of 1837, under the Constitution then in force, by a nearly unanimous vote, for the regular term of eight years.[1] He actually served less than four years and a half. This, his second term of office, although longer, was even more disturbed than his first. In addition to the war with France and minor revolts in various parts of the country, the Federalist party revived and became formidable, and for this revival there seem to have been several causes.

In the first place, the more remote parts of the country had felt keenly the change from federalism to centralism. In the twelve years from 1824 to 1836 the state legislatures had acquired a certain degree of prestige which attracted local men, who were naturally dissatisfied with changes that reduced their importance. But a more far-reaching result of centralism was the total neglect of local concerns by the distant government in the city of Mexico—a circumstance which was inevitable in so large a country, where means of communication were so slow and uncertain; and it is therefore not surprising that in Sonora, in Sinaloa, in California, in Tamaulipas, and in Yucatan formidable Federalist risings took place.

The most serious of the early revolts was in Sonora and Sinaloa, and was headed by General Urrea, who had been one of Santa Anna's principal lieutenants in Texas, and had been made commander of the northwestern department of the country by President Bustamante. Urrea's first act was to seize the custom-house at Guaymas, to pocket the money he found there, and to proclaim the restoration of the federal system. He was defeated, however, at Mazatlan, on May 6, 1838, and betook himself to Tampico, which revolted, in its turn, in October, 1838; so that the period of the French controversy coincided exactly with Urrea's rebellion.

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[1] See Dublan y Lozano, III, 242, 363, for the legislation on this subject. The President was ineligible for re-election under the Constitution of 1836.

The French naval force naturally was not withdrawn upon the demand of the Mexican government, and Bazoche instituted what was rather absurdly called a pacific blockade of the Gulf ports during the summer of 1838. This blockade produced various consequences, the first of which was a considerable increase in the price of imported goods. That, however, was not regarded by everybody as a misfortune. Those who favored a protective system declared that the blockade was the greatest good that Heaven could have sent to Mexico.[1] It was also thought that a war with France would be of the greatest advantage to the country, because privateers could be sent out to cruise against French commerce, whose prizes would fill the country with gold.[2]

There were no fears of the result of such a war. It was not thought possible that any French expedition could penetrate the country, and the fortress of San Juan de Ulúa was looked upon as impregnable—as a second Gibraltar. San Juan de Ulúa was a masonry work, begun early in the seventeenth century, and built on the southwesterly edge of the Gallega bank or shoal, a large coral reef directly opposite the city of Vera Cruz, and distant less than half a mile from it. The shore at Vera Cruz runs very nearly northeast and southwest. The Gallega bank runs north and south, and is over a mile long, and more than three-quarters of a mile wide in its widest part; and beyond it, separated by a narrow deep channel, is a similar but smaller reef, the Galleguilla. The depth of water over all of these banks in 1838 was very trifling, and in most places they were awash at low spring-tides. As the tides rise and fall only about two feet on this part of the coast, and as the surface of the banks was smooth, level coral sand, it would have been perfectly practicable for assaulting columns to advance directly on the works. No vessels could approach the fort within a mile and a half on the north; nor could it be attacked on the south and west without the assailants coming under a cross-fire from the fort itself and the batteries of Vera Cruz. The only point, therefore, from which a naval attack could be delivered was on the southeasterly face, where there was enough water for vessels of considerable draught within about a thousand yards.

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[1] Rivera, *Hist. de Jalapa*, III, 354.

[2] Bulnes, *Grandes Mentiras*, 725.

The main body of the fortress was a quadrangle of great capacity, with strong bastions at the corners. The sea-front, looking northeasterly over the Gallega reef, was covered by a demilune and two redoubts, and beyond these by a water-battery extending entirely along the front; but these outworks gave little additional strength. Two hundred and seven pieces of artillery of all sizes were mounted upon the works, of which somewhat less than fifty could be brought to bear on any vessel attacking from the eastward. Well-constructed casemates gave excellent protection from high-angle fire. Included in the armament of the fortress were twelve mortars and a number of carronades, but it would appear that no shells had been supplied for them by the ordnance department of the government, and there do not seem to have been any furnaces for heating solid shot.[1]

During the summer no attack was made upon any of the Mexican defences, but late in the month of October, 1838, an additional French naval squadron arrived at Vera Cruz, under the command of Admiral Charles Baudin, who was intrusted with diplomatic as well as naval functions.[2] Baudin's first act after reaching Mexico was to address a letter to the government, stating that he was authorized to request an answer to the note addressed the previous March by Baron Deffaudis. In reply Cuevas, who was still Minister of Foreign Relations, agreed to meet him for conference at Jalapa, where a discussion over the French claims took place during the month of November, without result.[3]

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[1] Blanchard et Dauzats, 334–336.

[2] The British government had an understanding with France on the subject of Baudin's expedition, and instructions were sent to Admiral Sir Charles Paget in October, directing him not to interfere with the French operations, but to keep track of their squadron and to remain away from the coast of Mexico if an attack was to be made.—(Palmerston to Lords of the Admiralty, Oct. 9, 1839; E. D. Adams, *British Interests and Activities in Texas*, 22.) The British shipping trade was seriously inconvenienced by the French blockade.

[3] The first result of any agreement, according to C. M. Bustamante, would have been a revolution that would have destroyed the Mexican government.—(*Gabinete Mexicano*, I, 118.)

Finally, on November 21, 1838, Admiral Baudin notified Cuevas that he would wait off Vera Cruz until the twenty-seventh of the month, at noon, and if by that time an agreement had not been reached in terms completely satisfactory to France hostilities would immediately begin.

The French fleet now consisted of four frigates, two corvettes, nine brigs, two small steamers used as tugs, two mortar vessels, and three store-ships, whose crews amounted in all to about four thousand men. Early on the morning of the twenty-seventh three of the frigates proceeded to a point about sixteen hundred yards off the southeasterly face of the works, and anchored with a spring on their cables, and two mortar vessels were also moored about a mile to the northward.[1] Two smaller vessels were posted so as to be able to observe the fall of the shot, and to signal the frigates and mortar vessels when they got the range. The corvette *Créole*, under the command of the Prince de Joinville, a son of the French King, was to be kept under way, and take an active part in the attack as circumstances might dictate. The Mexicans all this time, under orders of their government, had remained silent.

No reply which Admiral Baudin considered satisfactory having been received, the ships opened fire at 2.35 P. M. and the Mexicans instantly replied. Before four o'clock a powder-magazine in one of the bastions exploded, and at half past four a tower in the fort also blew up, killing and wounding a number of the defenders. Firing continued until about six, when, darkness coming on, the admiral decided to withdraw his ships and wait until the next day. Before morning, however, the fort had surrendered.

About nine o'clock in the evening of the bombardment Admiral Baudin received a letter from General Gaona, who commanded the fort, proposing a suspension of hostilities. The admiral replied by stating that he would suspend hostilities until morning, but if at daylight the fort was not surrendered he would blow it up, and negotiations for surrender immediately began.

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[1] The admiral had previously made careful reconnoissances of the fortress of San Juan, some of his officers wading over the reef up to the very walls of the outworks.—(Blanchard et Dauzats, 219, 222; Jurien de la Gravière, *l'Amiral Baudin*, 134.)

While this exchange of letters was going on Santa Anna arrived at Vera Cruz, and offered his services to Rincon, the general in command of the town, ostensibly to aid in the defence, although, no doubt, he had really come to Vera Cruz to see whether something for his own benefit might not turn up. The first duty assigned to him was to visit San Juan de Ulúa to report on the extent of the damage done by the French fire. He found Gaona in conference with two French officers, and suggested that a council of war should be called to consider what was to be done. Like most councils of war, this one declined to fight, even though reinforcements should be sent; and finally, at half past two in the morning, an agreement was made, by which the fort was surrendered and the garrison was withdrawn, with their arms and baggage, and with the honors of war, under a promise not to serve against France for eight months. It was further agreed that the city of Vera Cruz should be neutralized; that there should not be a Mexican force exceeding one thousand men within ten leagues; and that the blockade of the port should be suspended for eight months, pending a settlement of the differences between France and Mexico.[1]

News of this surrender was very badly received by the authorities in the city of Mexico, where it was universally attributed either to treason or cowardice. The government disapproved both the surrender of the fortress and the agreement neutralizing the city of Vera Cruz, and ordered Generals Rincon and Gaona to proceed to the capital of the republic, to appear before a court-martial. It further directed that the city of Vera Cruz should be defended and appointed Santa Anna to the command.

Santa Anna's appointment was tremendously popular.

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[1] For accounts of the bombardment of San Juan de Ulúa and the text of the capitulation, etc., see Blanchard et Dauzats, 306–340, and C. M. Bustamante, *Gabinete Mexicano*, I, 121–136, where General Gaona's official report is printed. Some additional facts will be found in Jurien de la Gravière's *l'Amiral Baudin*, 106–153, together with excellent maps.

On Saturday, the first of December, before a crowded audience in the Chamber of Deputies, the ministry announced the news of the surrender of San Juan de Ulúa and the removal of Generals Rincon and Gaona. The minister, Pesado, who made the announcement, went on to say that the President had named, to succeed Rincon, "General—General"—the speaker hesitated, stumbled over his words, and suddenly blurted out—"*Don Antonio López de Santa Anna.*" Instantly the galleries burst into loud applause, and shouts of "He's the man we want!" "He's the savior of the country!" "You heard the shouts of the galleries for Santa Anna," said General Tornel to his friends; "he is the only head of the nation that the people will approve"; and it is quite possible that President Bustamante was very much pleased to put so dangerous a rival in command of an indefensible city.[1]

So far as public opinion condemned the surrender of San Juan de Ulúa, it had some good grounds for an adverse judgment. The preparations for defence had been excessively feeble; but Rincon, who had been charged with these preparations, could plead that the government had failed to supply him with the necessary funds. He had estimated that it would cost a hundred and fifty thousand dollars to make adequate preparations, and he showed that the government had persistently failed to give him the money which he had reported was essential. Indeed, so distressed was he for want of funds that he was obliged to dismiss on furlough the boats' crews of the government launches, and was hardly able to procure provisions for the garrisons of the fort and the city.

When it came to the actual attack, General Gaona, commanding the fort, seems to have made poor use of such materials as were at hand. He had nearly twelve hundred men, many more than were necessary to man the guns. Instead of keeping his reserves in the casemates, they were drawn up in a hollow way, as though an assault might be expected at any moment upon this island fortress. In consequence of these dispositions, there were not only many casualties among the men serving the guns but also among the reserves. These losses, coupled with the risk to the large number of women in the fort, had thoroughly demoralized the garrison.

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[1] C. M. Bustamante, *Gabinete Mexicano*, I, 133–137.

The fort itself, as a result of the French bombardment, was a good deal knocked about, but the casemates were uninjured; a large part of the guns which could be brought to bear on the fleet could still have been served; and there were no breaches in the walls which would permit an assault. This, at least, was the opinion of the French officers who visited the fort after the bombardment. Lieutenant Maissin, aide-de-camp to Admiral Baudin, reported that the defensive works were intact, and consequently, according to the ordinary laws of warfare, the fort, though badly damaged, was still tenable.[1] M. Mengis, an officer of engineers, who accompanied the expedition, and who also visited the fort after the surrender, said that the principal powder magazine was intact, there were still at least seven hundred men in the garrison—who were more than enough for defence—and that there was no adequate reason for surrender.[2] Other observers were of a different opinion. Thus Captain (afterward Admiral) Farragut, who was present at the time of the bombardment in command of the United States sloop-of-war *Erie*, and visited the fort soon after its surrender, said that a single glance satisfied him that it would not have been practicable for the Mexicans to stand to their guns, and that in a few hours more the place would have been a mass of rubbish.[3]

The Mexican losses amounted to sixty-four men killed and one hundred and forty-seven wounded. The wounded, as usual, had received no medical attention, and were found in a shocking condition.[4] The French losses amounted to four killed and twenty-nine wounded. Their ships had received practically no injury.

On December 4, 1838, General Santa Anna, under instructions from his government, notified Admiral Baudin that the convention neutralizing Vera Cruz was disapproved and was therefore void. The admiral, however, was unwilling to open fire upon an inhabited city, but as the town was fortified he decided to land a party at once, before the garrison could be reinforced, in order to spike the guns—at least on the seaward face of the works.[1] At three o'clock, therefore, on the morning of the following day two strong landing parties from the ships were sent ashore with instructions to take the northerly and southerly bastions respectively, spike the guns, and destroy the gun-carriages. A third party was ordered to land on the mole lying about half-way between the two bastions and opposite the gate of the town.

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[1] Blanchard et Dauzats, 465.

[2] Jurien de la Gravière, 151.

[3] *Life and Letters of David G. Farragut*, 134.

[4] Blanchard et Dauzats, 337.

The landing was made in a thick fog. The town was taken completely by surprise. The bastions were seized by the right and left columns without difficulty, while the centre column blew open the gate and seized a piece of artillery which had been placed to command the mole, and rushed to the house which was occupied by General Santa Anna and General Arista. Arista, who commanded a force that was advancing from the direction of Jalapa to reinforce the garrison, was taken prisoner; but Santa Anna, who had been awakened by the explosion when the gate was blown in, managed to escape just in time. The Merced barracks, in the southeastern part of the town, where the whole garrison had assembled, were then attacked by the French force, and some fighting took place at this point without any particular result.

After it appeared that the town had been taken, Admiral Baudin himself came ashore to see that his orders were carried out. He found that the whole extent of the walls had been occupied by his men, and that the guns had been spiked and their carriages disabled; and his object being thus fully attained, he ordered the men to withdraw to the shore in order to regain their ships. The retreating French forces were followed by the Mexicans—at a very respectful distance according to French accounts—and when the last of the French were embarking at the mole the Mexicans opened a musketry fire from the walls. The French replied with the piece of artillery that had been taken at the gate, as well as with their own boat guns. The principal losses of the French occurred at this point, where the men were crowded together during the confusion of embarkation; but the Mexicans at the same time suffered heavily. Among others, Santa Anna was wounded, being shot in the foot.

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[1] The city walls were built about 1741; they were six feet high and surmounted by a strong double stockade of the same height. At the north and south ends of the town were bastions mounting over forty guns between them, and protecting the arsenal and naval stores.—(Bancroft, *History of Mexico*, III, 215.)

The French losses in this affair were eight killed and sixty wounded, all of the wounded being carried off in the boats. The Mexican losses were probably as large, although the exact figures were not known.[1]

The wound of Santa Anna was so severe that it became necessary to amputate his leg below the knee the day after the fight; but his ingenious mind was quite equal to the task of turning this misfortune to account. In a high-flown report to the Mexican government he declared that he had repulsed the French attack and had driven them at the point of the bayonet until they took to their boats. He lamented that in consequence of his wound this victory would probably be the last he could offer to his country.

> "At the close of my existence," he continued, "I cannot but express the satisfaction which accompanies me at having seen the beginnings of reconciliation among Mexicans. I have given my last embrace to General Arista, with whom I was unfortunately at odds, and I now also embrace his Excellency, the President of the Republic, to mark my gratitude for his having honored me in the moment of danger. I embrace likewise all my compatriots, and I conjure them for the sake of a country that stands in such peril, that they put away their resentments and unite to form an impenetrable wall on which the daring of the French shall be shattered.
>
> "I also request the Government of my country to permit my body to be buried in these dunes; that all my companions in arms may

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[1] Blanchard et Dauzats, 360–382. Modern Mexican historians do not seriously dispute the accuracy of the French reports. See *México á través de los Siglos*, IV, 423–426. A detailed account by one of Santa Anna's aids, Colonel Giménes, will be found in García's *Documentos Inéditos*, etc., XXXIV, 62–72.

> know that this is the line of battle which I have marked out for them, and that from this day forth the unjust enemies of Mexicans may not dare to tread with unclean feet upon our soil. . . . Let all Mexicans, forgetting my political errors, not deny me the sole title which I desire to leave my children: that of a good *Mexican.*"[1]

Santa Anna's life was really in no sort of danger, but this pathetic appeal to his countrymen exactly suited their taste, and from this time forward his political position was even stronger than it had been before his unlucky expedition to Texas.

[1] C. M. Bustamante, *Gabinete Mexicano*, I, 143.

CHAPTER XVIII

SANTA ANNA ONCE MORE

THE capture of San Juan de Ulúa and the disarming of the fortifications of the city of Vera Cruz left the contending parties at a dead-lock. The French were not in sufficient force to attempt an expedition into the country, and the Mexican government was powerless to attack the French ships. Santa Anna's command, therefore, abandoned Vera Cruz and encamped a few miles outside the city, while Baudin stationed some of his smaller vessels in the harbor of Vera Cruz itself, thus holding the city entirely at his mercy. The Mexican government, however, did not dare to enter into negotiations for peace, as opinion both in Congress and out was still very much inflamed; and if it had been known that the administration was negotiating with the French, the result would probably have been an immediate revolution, that would have driven Bustamante from power.

The solution of the difficulty came through the mediation of the British minister in Mexico, who returned from a leave of absence rather unexpectedly, accompanied by the entire British West India squadron. As this squadron had with it two seventy-four-gun line-of-battle ships, it was greatly superior to Baudin's division, and the French admiral judiciously refused to accept the mediation of the British minister in the presence of a superior naval force. Mr. Pakenham, the British minister, saw the full force of this objection, and sent the two line-of-battle ships back to Jamaica, but kept the rest of the ships near Vera Cruz, as he had business of his own with the Mexican government.

For two months Pakenham, with great tact, negotiated with the Mexican government, and finally persuaded them to send representatives to Vera Cruz to treat with the French admiral. The administration itself was quite willing from the first to make peace on the French terms, because the blockade of the Gulf ports had cut off almost all the principal sources of revenue, and without money the government could not be carried on. Moreover, Baudin had not merely cut off the supplies, but had entered into relations with the Federalist insurgents at Tampico, and had left that part of the coast open to foreign commerce. The trade of Tampico flourished in consequence, and a large amount of money was received at the custom-house—all of which went into the treasury of the insurgents. The result of the blockade, therefore, was twofold. It impoverished the government while it enriched the insurgents. But the voice of Congress and the newspapers was still for war, and it was only by degrees that they could be persuaded that the national honor did not require any longer keeping up a hostile attitude.

The representatives sent to Vera Cruz by the Mexican government were Gorostiza, who was then Secretary of Foreign Relations, and the ex-President Victoria; and Pakenham went with them. Their task was a very easy one, for they had only to consent to the French demands. Baudin made some unimportant concessions, principally in matters of form, and two papers, one a treaty of peace and the other a convention for the payment of the indemnity of six hundred thousand dollars, were signed on March 9, 1839.[1]

The next question was whether the treaties would be ratified by Congress, which, according to the terms of the agreement had to be done within twelve days. After considerable and heated discussion the government was sustained by a vote of twenty-seven to twelve in the Chamber of Deputies, on March 19, 1839, and on the following day by the Senate, three members voting in the negative. This result seems to have been due in considerable measure to the influence of Santa Anna, who had arrived in the city of Mexico on February 17.[2]

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[1] See Spanish text in Dublan y Lozano, III, 617-619.

[2] The negotiations and debates above referred to will be found in Bustamante, *Gabinete Mexicano*, I, 163-177; see also Blanchard et Dauzats, 482-501.

Shortly after the settlement of the Mexican difficulties with the French, Pakenham was able to get from the Mexican government the long-delayed sanction required for the adjustment of the claims of the British holders of Mexican bonds—a matter which then had been long pending, and which might not have been carried through at all but for the lesson of San Juan de Ulúa, and the very significant hint afforded by the visit of a powerful British squadron. The details of this negotiation may be briefly stated.

It will be recalled that two loans had originally been made in London by the Mexican government, one through Goldschmidt & Co., in October, 1823, and another through Barclay, Herring, Richardson & Co., in February, 1825, amounting in all to thirty-two million dollars. Interest upon these issues was paid up to July 1, 1827, and then stopped.

By an act of Congress of October 2, 1830,[1] it was determined to capitalize all of the unpaid interest up to April 1, 1831, and one-half of the interest that would fall due from 1831 to 1836, by issuing five per cent bonds at sixty-two and one-half for the unpaid interest on the five per cent loan; and by issuing six per cent bonds at seventy-five for the unpaid interest on the six per cent loan. In accordance with this authority, Gorostiza, at that time the Mexican minister in London, made a refunding agreement with Messrs. Baring Brothers & Co., which was subsequently approved by the bond-holders. This arrangement required the issuance of new bonds, amounting in all to seven million five hundred thousand dollars. The Mexican government duly issued the refunding bonds of 1830, and paid so much of the interest as fell due under the agreement up to and including July, 1832; but it paid nothing for the years 1833, 1834, 1835, and 1836.

Early in 1837 the Mexican government, under the authority of an act of April 4, 1837, offered the bond-holders to convert one-half of their holdings into new consolidated fund bonds, and to pay the other half by "inscriptions," or certificates, giving the right to locate vacant land in the departments of Texas, Chihuahua, New Mexico, Sonora, and California.[1]

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[1] Dublan y Lozano, II, 289.

The Mexican proposal was disapproved by the bond-holders, but a counter proposition was made on their behalf, which was accepted by the Mexican representatives in London, and an agreement to carry it into effect was signed on September 14, 1837.[2] The substance of this arrangement was that instead of "inscriptions" for land, "deferred bonds," bearing no interest for ten years, were to be issued to the bond-holders for half their holdings; that at any time during the ten years the holders of such deferred bonds might at their option receive land in payment for the bonds, upon certain terms; and that bonds not so exchanged for land during the ten years would become interest-bearing, and receive five per cent from and after October 1, 1847.

This arrangement, however, was disapproved by the Mexican government, apparently on the ground that the act of Congress of April 4 did not confer sufficient authority; and therefore, when Congress met in January, 1838, the government submitted a bill to grant the necessary authority which concluded with the following provision: "The Executive is authorized to take into consideration the proposal heretofore made by the holders of the Mexican bonds or any new propositions which may be submitted, and to agree with the bond-holders in such manner as may best combine and insure the interests of both parties."[3]

When this measure was introduced in Congress at the beginning of the year 1838, the administration of Bustamante was engaged in controversies with both France and the United States over the claims of their citizens. The Mexican Congress was in a very uncompromising mood, so far at least as paying creditors was concerned, and the proposal to give the administration full discretionary authority to settle with the English bond-holders met with such opposition that nothing whatever was done toward disposing of the matter during the year 1838. But by the early part of 1839, after the fall of San Juan de Ulúa, Congress was in a much more yielding temper. On June 1 of that year, under Pakenham's persuasions, a law was passed approving the agreement made in London on September 14, 1837, and giving the government authority to carry out the details.[1] This was the price of British mediation.

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[1] See the text of this proposal in Murphy, *Memoria sobre la Deuda Exterior*, 141; Dublan y Lozano, III, 359–361.

[2] Murphy, 144–147.

[3] *Ibid.*, 10.

The principle of an adjustment with the British bond-holders had thus at last been agreed upon; but the accumulation of unpaid interest in the meantime caused fresh complications. A new act of Congress was required, which was not passed until August 3, 1841, and thereupon a modification of the agreement was finally adopted in London, February 10, 1842, and ratified at a bond-holders' meeting.[2] The total funded debt under this agreement amounted to very nearly fifty million dollars (£9,247,944.2.3, with interest from October 1, 1837).

In the early spring of 1839, the American claims having been got out of the way by the acceptance of the proposal for arbitration, and the English and French questions being in a fair way of settlement, the Mexican government felt that it was at last strong enough to devote attention to certain serious and urgent domestic questions, the chief of which was the Federalist rising in the northeastern part of the country. Matters had become worse since Urrea came east in 1838. In the winter of 1839 the garrison of Monclova had pronounced for federalism; and in the spring, Matamoros, Monterey (Nuevo Leon), and Saltillo fell into the hands of the insurgents.

Santa Anna urged Bustamante to assume command in person of the government troops, which the latter was quite willing to undertake in the hope of acquiring on his own part some military laurels, though he hesitated at leaving Santa Anna behind him in the capital. But finally he was persuaded to do even that. The constitutional laws provided that in the absence of the President from the city of Mexico his duties should be devolved upon the president of the council, who, at the time, was Nicolas Bravo. Bravo, however, consented to step aside in favor of Santa Anna, and gave the usual excuse that his health would not permit him to undertake the duty. It was thereupon declared by a decree of the so-called Supreme Conservative Power, that in view of the inability of General Bravo to act, and in view of the unanimous wish of Congress, and the confidence manifested by all Mexicans in General Santa Anna by reason of his late deeds and his patriotic determination in the war against France, he should take charge of the government during the President's absence. On March 18, therefore, Santa Anna took over the government, and on the evening of that day the President set out for Tampico.[1]

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[1] Murphy, 147; Dublan y Lozano, III, 624, 646.

[2] Murphy, 152–155; Dublan y Lozano, IV, 29.

Unfortunately for Bustamante's hopes and ambitions, his attempt to acquire a military reputation was unsuccessful; and it was Santa Anna who again gained all the glory, and who raised himself higher than ever in the estimation of his countrymen. Bustamante's very leisurely advance afforded the Tampico insurgents an excellent opportunity of slipping in between his column and the city of Mexico. The moment this plan was developed Santa Anna, with his customary energy, managed to concentrate a considerable force at Puebla, which met the insurgents and totally defeated them at Acajete, on May 3, 1839. Urrea, who commanded the federal force, managed to escape; but Mejía—the same man who had sailed to Texas and fraternized with the colonists in 1832, and who had led the fatal expedition from New Orleans to Tampico in 1835—was captured and duly shot. It was said, very likely on insufficient authority, that Santa Anna after the battle sent Mejía a message that he was to be put to death in half an hour. "He is very kind," was the alleged reply, "but if I had taken him, I would have shot him inside of five minutes." Such were the amenities between old friends in Mexican politics.

Early in June, 1839, Tampico surrendered, and Urrea again escaped; but he was captured soon after and condemned to banishment, escaped once more, and was again taken and imprisoned in the city of Mexico. Bustamante himself saw no fighting, and returned to the capital in July, weaker politically than when he left. Santa Anna, however, evidently thought that the time had not yet come to overthrow the government, and he returned to his ranch at Manga de Clavo, where he bided his time, posing meanwhile as a friend and supporter of the administration.

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[1] Dublan y Lozano, III, 581; Bustamante, *Gabinete Mexicano*, I, 176.

The Federalists were not yet put down in Coahuila, where General Canales tried to get the Texan government to join him in forming with the northern Mexican states a separate republic; but the Texan authorities had a profound distrust of Mexicans and declined to help. Nevertheless, there were enough men eager for excitement to enable Canales to enlist in Texas an auxiliary corps several hundred strong, who carried on a desultory warfare for some time with great success, until they found themselves abandoned by their Mexican allies.[1]

But much the most successful Federalist rising was in Yucatan, which broke out in May, 1839, at about the time when Santa Anna was defeating Urrea and his Tampico insurgents. Yucatan was a great deal too far from the capital to be easily reached by land, and for lack of vessels, lack of money, and several other good reasons, reinforcements for the government troops could not be transported by sea. The result was that by June, 1840, the Federalists, being in control of the entire peninsula, and of the neighboring state of Tabasco, presently declared their independence of Mexico.

Yucatan then proceeded to enter into friendly relations with Texas, and subsidized the little Texan navy, which, on two occasions, in June, 1840, and in November, 1841, visited the ports of Yucatan and cruised with success along the whole Gulf coast of Mexico.[2] In 1843 the Texan navy was again off Campeche and roughly handled such vessels as the Mexican government had been able, after some effort, to station on that coast—apparently some small ships bought in England.[1]

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[1] An account of the exploits of this Texan force will be found in Yoakum, II, 274–279, 288–297; Rivera, *Historia de Jalapa*, III, 427, 440, 465.

[2] A very full account of these operations will be found in *Tex. Hist. Quar.*, XIII, 18–28, 33–43.

The chief result, therefore, of nearly five years' effort to establish centralism had been the loss of Texas, Yucatan, and Tabasco, and a general discontent throughout all the more distant parts of the Mexican republic. Disturbances now began to break out in the centre. These, however, were not due to the establishment of a centralized government, but rather to tendencies inherent in the very framework of Mexican society.

In the first place, the chronic emptiness of the Mexican Treasury was a symptom of the distressed condition of the nation, and it was not then easy to see how this difficulty was ever to be overcome.[2] Mexico had no immigration. Its government was unsettled. There was no security for investments. The stream of wealth which Europe had poured into the country immediately after independence had long since been completely checked. And as the situation of the Treasury grew worse, the church and the army became more and more active in their interference with public affairs.

The great wealth of the church was, on the one hand, a constant source of temptation to needy governments; but, on the other hand, it was an undoubted source of power. In order to preserve its threatened possessions, the ministers of the church, who still enjoyed a number of special legal privileges, naturally exerted themselves for the continuance of existing institutions. The clergy were well able to exercise a great influence upon all classes of society, for, as a rule, the Mexican people of that day were extremely devout, and some of them were intensely superstitious. It is true that in later years the laws of reform, which destroyed the financial and political power of the church in Mexico, secured the support of a great majority of the Mexican voters; but during the ten or fifteen years after 1836, public opinion had not reached a point where it was ready to sustain any real or thorough-going effort to deal with ecclesiastical abuses.

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[1] *Tex. Hist. Quar.*, XIII, 105–112.

[2] Successive Secretaries of the Treasury confessed their inability to solve the problem of making both ends meet. See for example, *Memoria de la hacienda general . . . presentada . . . en 29 de Julio de* 1837, and *Memoria de la hacienda nacional . . . presentada . . . en Julio de* 1838.

The army had no invested wealth to preserve, but it had a great interest in keeping up its special privileges, and in the payment of the large sums disbursed in salaries to its officers. The officers were almost all white men, and the preservation of the power and privileges of their class was the one thing which united them; and indeed what chiefly made the army a curse to Mexico was the fact that by an unbroken tradition nearly all the most lucrative places in the government, from the presidency down, were within the reach of ambitious and popular officers. As the business of every officer of high rank was, therefore, politics, so the business of every party was to keep the army satisfied; and just in proportion to the skill and success of an administration in distributing good places among the other party generals was their success in keeping high office and wealth for themselves. No number of offices could, however, have satisfied the insatiable demands of the army, and hence the perpetual series of mutinies, whose real objects, whatever popular cry might be used as a pretext, always were to put one set of men in and to turn another set out.

The rank and file of the army had very little to say about such matters. They were badly fed, badly armed, badly clothed, and rarely paid. They were compelled to endure all sorts of privations, which they sustained without a murmur, and if they were not very effective in battle, they were astonishingly good upon the march. The patient and ignorant Indians in the ranks knew no more of public affairs than their relatives who tilled the fields, worked the mines, and performed the manual labor of the country, for the number of people in Mexico who took any interest in public affairs or exerted the smallest influence was always extremely limited. Indeed, the law permitted few of the people even to vote. Under the constitutional laws of 1836 no one was entitled to the suffrage unless he had an income of at least one hundred dollars a year, "proceeding from real or personal property, or from trade or honest personal labor useful to society"; and domestic servants, vagabonds, and persons having no trade or honest means of livelihood were specially excluded.[1]

In a large sense the office-holders, actual or potential, ruled Mexico. In so poor a country there were few other means for men of education to get a living than by holding office, either in the church or under the government. The legal and medical professions, and to a certain extent wholesale trade, offered a career, but the most coveted openings for a young man of education were still in Mexico what they had been in the eighteenth century in Spain, where the *pretendientes* had for years furnished Spanish literature with a constant subject for ridicule.

Madrid under the Bourbon Kings had been the general meeting-place of all the office-seekers of the kingdom. The clergy came to solicit benefices and bishoprics, the officers of the army and navy came to beg for promotion, and civilians came to find employment under one branch or the other of the government. As their purses were in general very ill furnished, the caricatures of the day exhibited them leading a wretched life and constantly at odds with their landlords, by whom they were fleeced and whom they principally supported. In reality, they were so troublesome to the police that from time to time the authorities would make a clean sweep of them and a decree of the Council of Castile would banish the whole herd of office-seekers from Madrid; but when they were driven out of one gate these insatiable beggars would enter by another.[2]

There was, however, this important difference in practice between Spain and Mexico. In eighteenth-century Spain offices and promotions were distributed in accordance with the uncertain whims of the court. In Mexico during the first half of the nineteenth century they were usually obtained through the success of a mutiny. If the mutiny failed, then the holders of the offices remained in possession undisturbed.

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[1] Dublan y Lozano, III, 123, 232.

[2] Desdevises du Dezert, *L'Espagne de l'Ancien Régime* (*La Société*), 171, Introd., xxv; Doblado, *Letters from Spain*, 361–376.

The operation of all these influences upon the destinies of Mexico was very fully and clearly exhibited in the disturbances which broke out in the capital during the summer of 1840. Gómez Farias, who had been elected Vice-President under Santa Anna eight years before, and had lately been living in New Orleans, had returned, and his irrepressible activities in favor of radical reforms had led to his arrest and imprisonment. With him General Urrea also was confined in the old prison of the Inquisition. At dawn on the fifteenth of July, 1840, they were both released by two mutinous battalions; and at the head of these troops, with a cheering mob at their heels, they surprised President Bustamante in the palace of the government, and proclaimed the re-establishment of the federal system and the Constitution of 1824. For ten days the city of Mexico was the scene of a sort of continuous warfare—the government troops holding the citadel, the insurgents holding the cathedral, the palace, and the central part of the city.[1]

The wife of the Spanish minister was an interested observer, and left a full and illuminating account of the aspect of the city in the time of this revolution.

> "The tranquillity of the sovereign people," she wrote, "during all this period, is astonishing. In what other city in the world would they not have taken part with one or other side? Shops shut, workmen out of employment, thousands of idle people, subsisting, Heaven only knows how, yet no riot, no confusion, apparently no impatience. Groups of people collect on the streets, or stand talking before their doors, and speculate upon probabilities, but await the decision of their military chiefs, as if it were a judgment from Heaven, from which it were both useless and impious to appeal."

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[1] Conditions were reversed in 1912, the insurgents under Félix Diaz then holding the citadel, and the Maderist government the palace and the cathedral; but the essential features of the contest were much the same as in 1840, though the use of modern weapons increased the chances of injury.

The "military chiefs" did not, in her opinion, show themselves very efficient. Urrea and his men took possession of the towers of the cathedral and some of the highest edifices in the centre of the city, and fired indiscriminately in all directions. The government troops, instead of attacking the insurgents in the palace, were firing through peaceful streets in quite another direction.

> "Both parties," writes Madame Calderon, "seem to be *fighting the city* instead of each other; and this manner of firing from behind parapets, and from the tops of houses and steeples, is decidedly safer for the soldiers than for the inhabitants. It seems also a novel plan to keep up a continual cannonading by night, and to rest during a great part of the day. One would think that were the guns brought near the palace, the affair would be sooner over." [1]

This desultory burning of gunpowder might indeed have gone on for a long time without much damage to any except non-combatants, but the leaders on both sides learned that the government troops in the country districts would remain loyal, and that a strong force under Santa Anna was approaching the capital. Bustamante, however, was evidently in quite as much danger from these advancing supporters as he was from the followers of Farias and Urrea, and therefore, in order that Santa Anna might not get the credit of restoring order, an arrangement was arrived at on July 26, 1840, by which peace was made and the insurgents were pardoned and left in full possession of all their property and their offices under the government.

For some months longer the government of Bustamante struggled on against constantly increasing financial difficulties and general discontent. At length, in August, 1841, an unexpected and formidable revolt broke out at Guadalajara (a long way from Manga de Clavo), under the lead of General Mariano Paredes y Arrillaga, who issued a pronunciamiento denouncing the incapacity of the government, demanding the convocation of a constituent Congress to reform the constitutional laws of 1836, and urging the transfer of the executive powers, in the meantime, to "a citizen worthy of confidence." That citizen, of course, was Santa Anna.

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[1] Calderon, 182-204. For other accounts by eye-witnesses, see Treat to Lamar, July 23, 1840; Wright to Bee, July 27, 1840; *Tex. Dip. Corr.*, II, 670-674, 677-683.

Paredes, who thus assumed rather suddenly a conspicuous position in the shifting scenes of Mexican politics, had been, like Bustamante and Santa Anna, an officer in the Spanish army. Like them, he had joined Iturbide, and had gradually risen to be a general of division. It was he who had defeated Urrea and the Federalists at Mazatlan in 1838, and he had been looked upon as a loyal supporter of the government. An American author, writing of him a few years later, said that he was "a man of talents and acquirements in his profession, and all speak of him as a gentleman and a patriot."[1]

Within two months from the time Paredes pronounced, the overthrow of Bustamante was complete. The troops in one town after another, including Santa Anna and his followers in the state of Vera Cruz, joined the movement and marched on the city of Mexico. On the thirty-first of August a large part of the troops in the capital mutinied under the lead of General Valencia, and the usual sort of street fighting followed.

Madame Calderon describes the aspect of the city on the second of September, 1841, as follows:

> "Mexico looks as if it had got a general holiday. Shops shut up, and all business is at a stand. The people, with the utmost apathy, are collected in groups, talking quietly; the officers are galloping about; generals, in a somewhat party-coloured dress, with large gray hats, striped pantaloons, old coats, and generals' belts, fine horses, and crimson-coloured velvet saddles. The shopkeepers in the square have been removing their goods and money. An occasional shot is heard, and sometimes a volley, succeeded by a dead silence."

Three days later she noted that every turret and belfry was covered with soldiers and the streets blocked up by trenches, the soldiers firing at each other, but as a rule hitting nobody but peaceful citizens.

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[1] Thompson, *Recollections of Mexico*, 85.

> "The war of July," she writes, "had at least a shadow of pretext; it was a war of party, and those who wished to re-establish federalism may have acted with good faith. Now there is neither principle, nor pretext, nor plan, nor the shadow of reason or legality. Disloyalty, hypocrisy, and the most sordid calculation, are all the motives that can be discovered; and those who then affected an ardent desire for the welfare of their country have now thrown aside their masks, and appear in their true colours; and the great mass of the people, who, thus passive and oppressed, allow their quiet homes to be invaded, are kept in awe neither by the force of arms, nor by the depth of the views of the conspirators, but by a handful of soldiers, who are themselves scarcely aware of their own wishes or intentions, but that they desire power and distinction at any price." [1]

By the end of September, Bustamante was still in possession of the city, but Santa Anna, at the head of a considerable army, was in possession of Tacubaya; and from that suburb, on September 28, 1841, the principal officers of his army issued a paper which was called the *Bases of Tacubaya,* and which became, in effect, the Constitution of the country for the next three years.[2] After reciting that the immense majority of Mexicans did not wish, and would not consent to, a continuance in office of the men who had controlled their destinies since the year 1836, and that it was necessary to establish some temporary authority until a special congress could meet and adopt freely and after full discussion new fundamental laws, the document declared that the following provisions were unanimously adopted: All executive officers were to be removed and the Congress dissolved. A council was to be selected by the commander-in-chief (Santa Anna), consisting of two members from each department, who were to designate the provisional President. The President so designated was to take over the government of the country immediately, and within two months was to issue a call for a new Congress. This new Congress was to meet within six months after the call was issued, and was to transact no other business but the formation of a constitution. And the provisional President was to have all powers "necessary for the organization of all branches of the public administration," or, in other words, was to act as dictator.

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[1] Calderon, *Life in Mexico,* 334, 335.

[2] Dublan y Lozano, IV, 32.

As the new President was to be chosen by a body selected by Santa Anna himself, the plan was simply equivalent to naming Santa Anna for the post, and to delivering over the whole of Mexico into his hands.

Bustamante replied to the Bases of Tacubaya by proclaiming the re-establishment of the Constitution of 1824, and for several days longer he held out while some skirmishing between his forces and those of Santa Anna went on in the suburbs. No great harm was done on either side, but Bustamante's men were deserting, and he presently abandoned the city and retreated toward Guadalupe, where he offered battle. Neither party, however, had much stomach for serious fighting, and eventually, on October 6, 1841, an amicable arrangement was made between the two commanders, by which the government troops were turned over to Santa Anna and it was provided that no person should be punished for his past political acts or for any expression of his opinions.[1] Three days later the comedy of a meeting of the council named by the commander-in-chief was gone through with, and Santa Anna was declared duly elected as provisional President of the republic. He continued to govern, without any real check on his powers, for more than three years.

For the first few months the course of his government ran with comparative smoothness. There were some outbreaks of minor importance, and hostilities were continually taking place on the frontiers of Texas, Yucatan, and Guatemala; but his dictatorship was not seriously questioned. He had now reached a point where he thought it safe to affect great state. One may read of gala performances at the opera in his honor—the staircase "lighted by and lined all the way up with footmen in crimson and gold livery"; of the President and his suite driving in open carriages, with outriders and an escort of cavalry—carriages, outriders, and escort all at a full gallop; of his "brilliant cortège of officers" in full-dress uniforms and of diplomatic dinners at the palace, with six colonels standing all through the meal behind the President's chair.[1]

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[1] *Convenios de la Estanzuela;* Dublan y Lozano, IV, 34.

One very extraordinary incident of this period of Santa Anna's career was the ceremony of burying the foot which he had lost at Vera Cruz. The members of the cabinet and their principal clerks, the President's personal staff, the general staff of the army, and other officers formed a procession, which was escorted by two regiments of infantry and a squadron of cavalry, with their bands, and a battery of artillery. In the midst of this procession, as the newspapers of the day recorded, was borne a funeral urn, handsomely draped, in which was a box containing the foot. Having arrived at the cemetery of Santa Paula, the box containing the foot was placed in a stone urn on top of a column, the whole crowned with the arms and flag of the republic. A salute of artillery announced the end of this part of the solemn ceremony, after which a discourse was pronounced by the Licentiate Ignacio Sierra y Rosso.[2]

The government of Santa Anna was not inefficient, but he was extravagant, and there can be no doubt that all his surroundings were corrupt. The condition of the country was constantly growing worse, and in spite of the fact that the nation was practically at peace the state of the finances of the republic was growing more and more unsatisfactory. Trade did not increase. The interest due to foreign bondholders was paid irregularly, and the bonds were selling in London below forty. All roads and public works were neglected, and every available dollar went to satisfy the army. But dollars were hard to come by, and only by the seizure of property belonging to the church was Santa

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[1] Calderon, 358; Mayer, *Mexico as It Is*, 71, 74. An amusing legend of Santa Anna's ostentation and cruelty—which, however, appears to have no basis of historical fact—is printed in No. 412 of the *Nineteenth Century* magazine (June, 1911), under the title, "Señora Santa Anna's Misadventure," by Baron Malortie.

[2] *México á través de los Siglos*, IV, 488. C. M. Bustamante says he composed an inscription for this monument, but it does not appear whether it was used. The text of this production, with a description of the monument, will be found in his *Gabinete Mexicano*, I, 145.

Anna able to relieve some of his most pressing necessities.[1]

The first distinct shock to his administration was suffered when the constitutional Congress, summoned under the provisions of the Bases of Tacubaya, met on June 10, 1842. Up to that time the invariable rule had been that the government in power always carried the election.[2] On this occasion, in spite of the ordinary precautions, the majority of the Congress proved to be strongly Federalist, and inclined to take rather radical views as to the need of reforming the army and the church. For months this Congress sat and discussed various projects, none of which came to anything, but the talk of the capital became increasingly liberal.

The inclination of Congress for a democratic constitution was highly obnoxious to Santa Anna, whose ideas were by no means favorable to religious toleration, or to control of the army by Congress, or to the exercise of real self-government by the departments. However, it was of course an easy matter at any time to have the garrison of the city of Mexico pronounce against Congress; and Santa Anna, having withdrawn to Manga de Clavo on the usual plea of ill health, and all being in readiness, the troops declared Congress to be unworthy of confidence and dissolved that body. A proclamation was issued at the same time by Bravo, the acting President, which declared that as the towns and garrisons of various departments, including the garrison of Mexico, had refused to recognize the constituent Congress, a crisis had arisen which made it impossible for that body to continue; and that, as it was necessary to "offer to the nation guarantees of its future happiness," the government would appoint a council composed of "citizens distinguished by their learning and patriotism" to frame a constitution. In other words, the government announced that Santa Anna would write a constitution to suit himself.[1]

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[1] Bancroft, *Mexico*, V, 239, 246, gives details.

[2] "Elections among us do not rest upon any solid basis, for they are always in accordance with the will of the party in power and are entirely illusory."—(Alaman, *Defensa*, Introd., xviii.)

The new council showed no great haste in performing its duties, but Santa Anna came back to the capital early in March, and on June 12, 1843, the new Constitution was proclaimed. It was distinctly Centralist. The official name of the country was no longer "The United States of Mexico," but "The Mexican Republic." The country was to be divided into departments, having at the head of each a governor, appointed by the central authorities upon the nomination of the departmental assemblies. These assemblies had certain defined and very limited powers. The President was to be elected for five years. There was to be a House of Deputies, chosen by an elaborate system of indirect elections. There was to be a Senate, of which one-third was to be appointed by the central government, and two-thirds by the departmental assemblies. The Catholic Church was to be protected by the nation, to the exclusion of any other. The preservation of the *fueros*, or special privileges of the church and the army, was carefully provided for by an article under which no one could be tried or sentenced in civil or criminal cases but by judges who had special jurisdiction ("*jueces de su proprio fuero*"), and in accordance with laws enacted and tribunals established prior to the transaction which might be in question. Slavery was declared abolished.[2] The new Congress was to meet on the first day of January, 1844, and on the following day was to proceed to ascertain the votes cast by the departments for the President of the republic. The President-elect was to take office on the first day of the following February.

One auspicious event occurred to smooth the path of the new government, for before the time came for the inauguration of the newly elected Congress the war with Yucatan was brought to an amicable end. After some negotiations, a treaty was entered into at the city of Mexico on December 15, 1843, by which Yucatan agreed to recognize the government about to be established under the Constitution of June, 1843, and was to have representation in the Congress, but at the same time it was to enjoy complete autonomy.[1]

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[1] See Decree of Dec. 19, 1842; Dublan y Lozano, IV, 352. The names of the eighty men who were to compose this council can be found in the same volume, 354.

[2] *Ibid.*, 428–449.

The elections for President and the members of Congress in the year 1843 were conducted with skill and care, and it was believed that no such blunders had been committed as at the previous election. The government nominees were carefully selected and looked after and duly returned, and an apparently subservient Congress met on New Year's Day of 1844, and on the next day declared that Santa Anna had been chosen President of the republic by an all but unanimous vote.[2] So far all was well, but before many months the new President and his Congress were destined to be involved in bitter quarrels. The twenty-seven months of Santa Anna's dictatorship had been marked by abuses of power, and the resources of the nation had been squandered. Taxes had been increased and the money used to keep up an oppressive military display. At the same time Santa Anna's private fortune had been increasing, and, very much to the scandal of the public, he had been buying valuable estates in the department of Vera Cruz. His friends and supporters were not at all slow to follow his example, and their suddenly acquired wealth in the midst of the general distress of the nation gave rise to unpleasant but natural suspicions. There was unquestionably a general desire throughout the country to shake off this heavy burden, but until the hour struck the leading men in Congress and in the army were, to all appearances, Santa Anna's very obedient servants.[3]

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[1] *Ibid.*, 675–678.

[2] Nineteen departments out of twenty-one voted in his favor.

[3] Rivera, *Historia de Jalapa*, III, 606.

CHAPTER XIX

THE REPUBLIC OF TEXAS

FOR more than nine years after the battle of San Jacinto the republic of Texas existed as an independent sovereignty. Into the details of its history it is needless to inquire, for they related principally to local affairs which in no way affected the United States or Mexico; but both nations were deeply concerned in the larger aspects of the development of the country.

The population of the Texan republic when it first came into existence—including the American settlers, the negroes, and the resident Mexicans—was estimated by Morfit, in 1836, at something over 30,000. From that time forward there was a continuous and rapid growth. No census was taken until 1847, but it may fairly be concluded that the republic in 1840 had about 55,000 inhabitants, of whom 7,000 or 8,000 were negro slaves. In the same year the state of New York had a population of nearly 2,500,000, Rhode Island of more than 100,000, and Delaware of over 75,000. The nearest neighbors of Texas were Louisiana, with over 350,000 inhabitants, and Arkansas, with almost 100,000.

The population was therefore small compared with that of the neighboring American commonwealths, but its area was relatively immense. The republic, even within the bounds traditionally assigned to it, while an integral part of New Spain, was roughly estimated to include about 250,000 square miles, or four times the area of Virginia, then the largest state in the American Union.[1] The population continued to be made up chiefly of small farmers, who lived widely scattered over the region between the Sabine and the Nueces, and within one hundred and fifty miles of the Gulf of Mexico. The remainder of their widely extended territory was uninhabited, except by tribes of nomadic and warlike Indians. The people had no extensive commerce, no mines, no manufactures, few roads, few steamboats, no railroads, and no banks; and with this extremely scanty equipment, but with an immense faith in their future, they set out to establish and maintain an independent existence.

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[1] Ward's *Mexico*, II, 431.

The problems of organizing a government and a judiciary, of erecting necessary public buildings, of constructing roads and bridges, of regulating the disposal of their public lands, of establishing and enforcing a system of taxation and a system of dealing with the aborigines, and a hundred other pressing questions of internal administration, were necessarily difficult; but such problems had been solved by all the commonwealths that made up the American Union. Texas, however, with a population and resources less than those of Delaware, was forced also to deal with the great variety of important subjects which under the Constitution of the United States fell within the exclusive jurisdiction of the federal government. Of these the most urgent, as well as the most costly, was the creation and maintenance of an army and navy adequate to cope with the threatened Mexican invasion. The establishment also of a diplomatic service both in Europe and the United States, if not imperative, was at least extremely important. The solution of most of these problems ultimately resolved itself into questions of finance, and the financial history of Texas was that which had the greatest significance for its neighbors.

When Houston was inaugurated as President in the autumn of 1836 the Treasury was empty, and the debt of Texas amounted to about one million and a quarter of dollars. Most of this was due in small amounts to a multitude of persons—to soldiers and sailors, to civil officers for salaries, and to merchants—some in Texas itself and some in the United States—for supplies of all kinds. The amounts due for money borrowed were relatively small, for the loans negotiated in the United States had in the end amounted to very little. But the war up to this time had so easily been financed that the first constitutional Congress paid little attention to the question of raising money. The provisional government had established a tariff on imported goods and regulated the manner of collecting land dues, and beyond some amendments of the existing system it was not thought necessary to do anything in the way of fiscal legislation.[1]

The expenditures of the Texan government were bound to be large in any event, but with a war on its hands, and therefore an army and navy to support, the outgo was certain to be greatly in excess of any possible income. It was expected that the ordinary revenues would chiefly be derived from duties on importations and from direct taxes on property; but it was only too evident that the income from these sources, in a country with a long frontier by land and sea, and with a poor and widely scattered population, would be small for many years to come. The government, therefore, could only in part be supported by taxation, and it was necessary to consider by what means, direct or indirect, additional sums of money could be borrowed to cover the deficit.

The real source to which the authorities in Texas always looked to meet their obligations was the vast extent of unoccupied land belonging to the commonwealth. It was expected that this land would ultimately be sold, and that in the meantime it would furnish an asset against which loans for large amounts might be placed abroad. In reality such an asset was of very little avail, but almost to the last the government of Texas clung hopefully to the delusion that wild lands could be made to pay the debts of the republic, besides supplying the deficiencies in the revenue. The truth, of course, was that it was hard to find purchasers for land that not only was entirely unimproved, but which was also quite inaccessible by roads of any sort, and which, moreover, in many localities, was exposed to Mexican or, what was more serious, to Indian depredations. The government was trying to sell or mortgage "what in time of peace had little commercial value, even in Texas, and what in time of war had hardly any."[1]

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[1] See "Finances of the Texas Revolution," by E. C. Barker, in *Pol. Sci. Quar.*, XIX, 612–635.

Quite apart from the ordinary difficulties of selling such land was the fact that the effort to effect sales in the United States was made in the height of a most disastrous panic, when fertile lands in old-established and well-developed communities could be had for little or nothing. Not only was the demand for vacant agricultural land at the lowest possible ebb, but there was the further difficulty that the supply which Texas had to offer was far beyond the capacity of even a steady market to absorb; for while the government was offering its own land for sale it was at the same time creating competition with itself by a liberal system of bounties to soldiers and settlers.[2] "The Texan government bestowed its lands with so much profusion on soldiers and settlers as to supply all demands, not only for cultivation, but for speculation, for many years to come."[3] The certificates, or scrip, issued to soldiers and settlers authorizing them to locate lands within the republic were constantly offered for sale, and thus came in competition with the direct offers of the national government—with the result that for many years the land office, even after it had been fully organized, and after surveys had been begun, was unable to dispose of any considerable quantity.

When Congress met again in the early summer of 1837 the condition of the Treasury was desperate. The government had been unable to borrow any money, or to sell any substantial quantity of land, and a message from the President, issued, he said, as soon as he was able to get accurate information, called the attention of Congress to liabilities which must be immediately met if the army was to continue to exist. Supplies, said the President, had only been obtained upon his own individual notes, indorsed by certain members of Congress.

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[1] Gouge's *Fiscal Hist. of Texas*, 64.

[2] The laws on the subject are numerous and conflicting. An adequate discussion for historical purposes will be found in chap. XX of *Comprehensive Hist. of Texas*, I, 812–826, by Dudley G. Wooten.

[3] Gouge, 141.

> "This was done," he continued, "at a time when a part of the army was in an actual state of mutiny from want of every kind of provisions. Galveston Island would have been deserted had not this course been pursued. Since the commencement of the constitutional government no public officer has received any salary. Their personal expenses are great from the fact of their having to pay an exorbitant price for board. Their individual means are quite exhausted. . . . The Executive since he has come into office has received into the treasury and disbursed only five hundred dollars for provisions for the troops. Under these circumstances your honorable body must be aware of the absolute necessity of some provision being made to sustain the country." [1]

In face of the widely advertised fact that the Mexican government was collecting troops for an invasion of Texas, it was evident indeed that immediate steps must be taken to meet the immediate necessities. The British colonies, when faced by similar difficulties sixty years before, had issued paper money, and to that obvious resource Texas now turned.[2] By an act of June 9, 1837, the government was authorized to issue its promissory notes to the amount of five hundred thousand dollars, and these notes were made receivable for all public dues.[3] It is to the credit of Texas that they were not made legal tenders for debts between private individuals.

However, notwithstanding the despairing tone of President Houston's message, the government of Texas in some way managed to exist for nearly another six months without having recourse to the paper money. A new tariff act, passed June 12, 1837, had required that duties should be paid "in gold and silver, or such current bank-notes as the government might direct";[1] and the Secretary of the Treasury seized upon the discrepancy between these two acts as a ground for refusing to issue the treasury notes. For this he was called to account in the autumn by Congress, which passed a joint resolution on October 23, 1837, declaring that "the necessary and pressing wants of the country require that the issue of such notes shall immediately commence."

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[1] Message of June 6, 1837.

[2] Treasury notes to the amount of $150,000 had been already authorized by an ordinance of the provisional government passed January 7, 1836, and approved by the lieutenant-governor after Smith had been "deposed," on Jan. 20, 1836.—(*Ordinances and Decrees of the Consultation*, 129–130.) The ordinance was therefore of doubtful validity, and it is probable that no notes were issued under it.

[3] *Laws of the Rep. of Texas*, I, 249.

It was indeed high time that something should be done.

> "The finances of our country," said the President in a special message, "since the commencement of the revolution up to this time have been in a more embarrassed situation doubtless than any other nation ever experienced. Since the commencement of the present administration, during the first year there was at the disposition of the Executive or in the treasury, but five hundred dollars in cash. The several amounts that had been appropriated for specific or general purposes depended upon the sale of scrip, and *that* by acts of Congress was placed in the hands of foreign agents who were irresponsible to the Executive. . . . This imaginary and unfortunate expedient is now at an end."[2]

The treasury notes were now at last issued, and, being limited in amount, passed current for some time at par; but they soon began to fall of their own weight, and the issuance of additional notes under authority of Congress hastened rapidly the inevitable depreciation. By June, 1839, the paper money was "almost worthless," although it bore ten per cent interest. In the autumn of 1840 the notes were said to be worth from fifteen to twenty cents on the dollar,[3] and ultimately "they sunk so low that no price at all could be obtained for them in many parts of Texas."[4] The total amount issued is stated to have been $4,717,939.[5]

The immediate cause of the final fall in the value of the treasury notes was the passage of a law of Congress on January 18, 1842, providing that nothing but gold and silver or the "exchequer bills" of the government should be received in payment of public dues.[6] The government at the same time was authorized to issue "exchequer bills," payable on demand, to an amount not exceeding two hundred thousand dollars. These bills were issued for only very moderate amounts, and there were seldom as many as fifty thousand dollars in circulation at one time. Nevertheless, the practical repudiation of the old treasury notes, by the refusal to receive them in payments to the government, caused the "exchequer bills" also to sink rapidly in value, so that by the end of the year they, in turn, were worth only twenty-five cents on the dollar. This very rapid fall was due to the fact that Congress, only six months after their issue, passed a law which was in fact a partial repudiation of the "exchequer bills"; for by an act of July 23, 1842, public officers throughout the republic were required to receive these bills only at the current rates at which they were sold in the market—a striking instance of folly no less than of bad faith.[1]

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[1] *Ibid.*, 253 *et seq.*

[2] President's message, Nov. 21, 1837.

[3] Gouge, 97, 101.

[4] *Ibid.*, 117.

[5] See App. B, *ibid.*, where details are given.

[6] *Laws Passed at the Sixth Session*, etc., 55.

In addition to the depreciated currency already referred to, the Texan government had from an early date attempted to meet its obligations by providing that what were called "audited drafts" on the Treasury should be received in payment of money due on lands granted or sold.[2] For a time these drafts also were receivable for direct taxes and for customs; but notwithstanding this feature they fell with extraordinary rapidity, and in May, 1837, they could only be sold for about fifteen cents on the dollar. Audited drafts, however, continued to be issued by the Treasury, and to be accepted by creditors who could get nothing else, with the result that there were ultimately issued very nearly eight million dollars of such paper in all. Of this amount less than seven hundred thousand dollars was received in payment of public dues; somewhat less than a million was exchanged for bonds, and about six millions was paid at the Treasury by exchanging the audited drafts for treasury notes, which were worth no more in the market, but were more convenient as currency.

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[1] *Laws Passed at a Special Session of the Sixth Congress, etc.*, 4. And see Gouge, App. I, 279.

[2] Ordinance of Dec. 30, 1835; *Ordinances and Decrees*, 114.

From its very first days the Texan government made every effort to borrow money abroad. As early as November 24, 1835, the General Council authorized an issue of bonds for one hundred thousand dollars, the rate of interest not to exceed ten per cent.[1] This was followed by an ordinance, on December 4, authorizing the representatives of Texas in the United States to negotiate a sale of ten per cent bonds to the amount of one million dollars, payable in not less than five nor more than ten years in the city of New York, and "to pledge or hypothecate the public lands of Texas, and to pledge the public faith of Texas in such manner and with such restrictions as shall best comport with the honor and dignity of the state, and give effect to the pledges."[2]

On November 18, 1836, although the bonds authorized in the previous year were still unsold, the first constitutional Congress authorized the President to sell additional bonds to an amount not exceeding five million dollars, and at a rate of interest not exceeding ten per cent per annum.[3] These bonds, however, or any bonds were impossible of sale in the United States. The financial crisis which wrecked so many banks in the United States in the early months of 1837, and which induced President Van Buren to call the American Congress together for a special session, soon made it out of the question for any banker to attempt to dispose of securities, no matter how well they might be secured. Moreover, the people of the United States had never been in the habit of investing in the obligations of foreign countries, so that even in the best of times it would have been difficult for Texas to find an American market for her bonds. There remained, of course, the markets of Europe, but until the independence of Texas was recognized by European powers it was difficult to conduct hopeful financial negotiations.

Attempts to secure recognition abroad were first begun in the summer of 1837, when General J. Pinckney Henderson was appointed diplomatic agent to Great Britain and France. In the spring of the following year he succeeded in obtaining from Great Britain a partial and limited recognition of Texan independence; that is, he was informed that, pending complete recognition, Texan ships and cargoes to Great Britain would be received on the same footing with British ships so long as British ships should practically enjoy the same privileges in Texas. Henderson very naturally asked what, precisely, this meant. Lord Palmerston replied that a Texan ship would be "admissible into the Ports of Great Britain as a Mexican ship according to the stipulations of the Mexican Treaty, notwithstanding that the Documents issued for the use of such ship should bear upon their face they were the avowed acts of a Govt. in Texas, assuming the style of a Republic independent of Mexico."[1] In November of the same year a somewhat similar arrangement was entered into with France.[2] The full recognition of Texan independence was, however, delayed by the French government until September, 1839, and France was not followed by the British government until November, 1840.[3]

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[1] *Ibid.*, 18.

[2] *Ibid.*, 44; and see supplemental ordinances of Dec. 5, 1835, and Jan. 10, 1836; *ibid.*, 52, 130.

[3] *Laws of the Rep. of Texas*, I, 32.

But before any foreign government had taken definite and final action to recognize Texas an attempt was made to place the five millions of bonds in London or Paris; and prior to leaving the United States General James Hamilton, who had been appointed financial agent for the Texan government, managed, in May, 1839, to obtain an advance of four hundred thousand dollars from the then moribund Bank of the United States in Philadelphia, against which, presumably, the whole amount of the bonds was deposited as collateral security.[1]

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[1] Palmerston to Henderson, April 6 and April 11, 1838; *Tex. Dip. Corr.*, II, 856, 859.

[2] Molé to Henderson, Nov. 2, 1838; *ibid.*, 1233.

[3] The following treaties were entered into, viz.: with France, treaty of commerce, etc., Sept. 25, 1839; ratifications exchanged Feb. 14, 1840. With England, treaty of commerce, etc., Nov. 13, 1840; "Convention containing certain Arrangements as to the publick debt," Nov. 14, 1840; treaty for the suppression of the African slave-trade, Nov. 16, 1840. There was a long delay on the part of the Texan Senate in ratifying the last of these treaties, owing, as the British government believed, to the trickery of General Hamilton, the Texan plenipotentiary. The British government refused to exchange the ratifications of any of the treaties until Texas was ready to ratify them all, and it was not until June 28, 1842, that this was done, and a British diplomatic agent was sent out to Texas. A treaty was made with the Netherlands Sept. 18, 1840, and ratified June 15, 1841. Negotiations for treaties of commerce were also conducted with the Hanse towns and with Belgium, but none were ever actually signed and ratified.

Hamilton never met with any financial success in London. His failure, it seems, was due partly to distrust of all North American securities, partly to the activities of the British and Foreign Anti-Slavery Society, and partly to the opposition of the British holders of Mexican bonds. Nor did he succeed in Holland, where it would appear that another effort was made to place bonds. But early in February, 1841, he was enabled to make a contract by which the well-known firm of J. Lafitte & Co., of Paris, agreed to take the whole issue upon certain terms. As soon as the contract with them was signed Hamilton communicated the fact to the newspapers, and the immediate result was, of course, a great improvement in the credit of the Texan government in the United States. Treasury notes rose in New Orleans to thirty cents on the dollar, and the few ten per cent bonds which had been placed in the United States rose to forty.

Unfortunately for Hamilton, his contract with Lafitte & Co. contained the following clause:

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[1] James Hamilton had been governor of South Carolina, and was an eager nullifier. Although an American citizen, he offered his services to the Texan government—largely, it would seem, because he was interested in land in that country. His first employment was as Texan agent to Great Britain and France, to act with Henderson in securing recognition of Texan independence. He was appointed special and confidential agent of Texas to Great Britain, and commissioner to negotiate with Mexico, in Dec., 1839; joint agent with A. T. Burnley to negotiate a loan with France, and agent to Belgium, April, 1840; confidential agent to Holland, Sep., 1840; minister plenipotentiary and envoy extraordinary to Great Britain in 1841. He was recalled early in 1842, and not again employed. Hamilton was a promoter of a familiar type—unscrupulous, untruthful, and because of his reckless optimism entirely untrustworthy. He constantly made the wildest and most reckless assertions. At one time he had a plan for a maritime expedition into Mexico which would strike terror into that government and astonish the world by its boldness and success. At another he was assuring the British government that a hundred thousand emigrants had gone from the United States into Texas within three months!—(*Tex. Dip. Corr.*, II, 468, 883.)

> "The present contract is concluded upon a formal assurance given by the Texan Envoy that he has obtained the consent or admission of the French Government to the above Loan, and a further assurance that the said Government will facilitate with its moral aid the negotiation of the said Loan of which assurances the Texan Envoy has furnished us with the documentary proofs."

What "the documentary proofs" may have been which Hamilton furnished to the bankers does not appear; but it is clear that the French government at least did not consider that it was in any way bound to afford aid, moral or otherwise, to the flotation. On the contrary, it proved very unfavorable. On May 6, 1841, the official newspapers published articles which Lafitte & Co. described as "of a nature to inspire the public with doubts as to the security offered of the Loan." Hamilton, who had probably deceived the bankers as to the assurances given by the government, professed vast indignation at what amounted to a refusal to allow the bonds to be sold on the Bourse. "The French Government," he wrote, "cannot without a breach of faith unexampled even in the treachery of modern diplomacy, refuse us this privilege; if they do, I shall have to let Messrs. Lafitte & Co. off their contract, and denounce the conduct of the French Government in the face of all Europe. I think they will find old Lafitte and myself rather troublesome customers."[1]

Hamilton, however, was not such a troublesome customer as he thought, and these negotiations fell through; but the Texan government was not discouraged, and manfully renewed its efforts to sell its bonds. On June 14, 1842, an agreement was made with a certain M. Bourgeois d'Orvanne for a loan of a million dollars, in connection with a project for introducing European colonists. This loan also ultimately fell through.

At last, on January 17, 1844, Congress passed an act repealing "all the laws authorizing the President to negotiate a loan or loans upon either the public faith or the hypothecation of the public lands." The total amount of loans previously contracted by the Texan government seems to have been from first to last only half a million, being about seventy-four thousand dollars borrowed in the winter of 1836, before the battle of San Jacinto, and four hundred thousand dollars borrowed from the Bank of the United States in the spring of 1839.

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[1] Hamilton to Lamar, May 17, 1841; *ibid.*, 1336.

With insufficient revenue, with unsalable assets, and with practically no credit abroad, it is not surprising that the Texan government continued to be in great financial straits. In the latter part of 1838, when Houston's first term as President was coming to a close, the public indebtedness amounted to a little short of two million dollars; and from that time forward, under the administration of Houston's successor, the public debt rapidly increased.

Mirabeau Bonaparte Lamar, who was inaugurated President of Texas on December 9, 1838, was a native of Georgia, and was at that time a little over forty years old. He had come to Texas three years before, had entered the army as a private, had commanded the cavalry detachment at the battle of San Jacinto, and had been Vice-President under Houston's administration. One of his successors as President of the Texan republic, who was not unfriendly to him, described him as a weak man, governed by passion and prejudice, though undoubtedly honest and always actuated by good motives. He had local celebrity as an orator, and the author already mentioned, who describes him as "an elegant writer," also declared that Lamar's mind "is altogether of a dreamy poetic order, a sort of political Troubadour and Crusader, and wholly unfit by habit or education for the active duties, and the every-day realities of his present station. Texas is too small for a man of such wild, visionary, vaulting ambition." [1]

Lamar's ambition at once led him to develop a very extravagant policy, largely as the result of what John Jay had called, nearly sixty years before, "drawing drafts on the Bank of Hope." The expectation of being able to float five millions of bonds in Europe had completely turned the heads of Lamar and his advisers, and the attempt at a strong navy, with every sort of reckless expenditure, was the result. Unlike Houston, Lamar openly rejected the idea of annexation, upon the ground that Texas was quite strong enough to stand by herself. The same sort of policy was practised in respect to Indian affairs. Houston, who knew the Indians well, was in favor of soft words, of conciliation and fair treatment. Lamar was for driving the Indians out with a stern and ruthless hand. The result of his administration is seen in the fact that when his term expired in December, 1841, the total debt of Texas amounted to nearly seven millions and a half of dollars, which at that time there was no possible means of paying.

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[1] Jones, *Republic of Texas*, 34.

Under the Constitution of Texas the President was not eligible to succeed himself until one presidential term had intervened, and Houston was elected as Lamar's successor, and took office on December 12, 1841. There was but one course for his administration. A radical cutting down of expenditure was absolutely essential if Texas was to continue to exist; and by some miracle of economy Houston managed to reduce the outgo of the government in a single year from nearly a million and a quarter to less than two hundred thousand dollars. During the three years of Houston's second term of office the average expenditures for all purposes amounted to only one hundred and seventy thousand dollars, against an average annual expenditure during Lamar's three years of office of over one million six hundred thousand dollars.

> "The Texans," says Gouge, "never became economical until constrained by necessity. So long as there was any hope of negotiating a loan in Europe, and so long as they could borrow from the citizens of the United States, by new issues of treasury notes, their extravagant expenditures were continued. When they were reduced to such straits that they could borrow no longer, except from themselves, and then only to a limited amount, in anticipating the revenue by issues of exchequer bills, then they became saving." [1]

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[1] Gouge, 127. In App. F of Gouge's *Fiscal Hist. of Texas* will be found a tabular statement of the debt of Texas at different periods.

Bad as was the condition of the Texan finances, the evil was not vital. With great untouched resources which were bound in time to become of substantial value, with constantly increasing exports, constantly increasing production of cotton, and a swelling stream of immigration, the future of the country was reasonably safe, provided only that peace could be assured. But the strain of an actual war with Mexico could not possibly have been long endured, and if Texas continued to exist it was simply because the Mexican republic never found it possible to furnish either an army or a navy adequate to the task of recovering the lost territory. As Morfit had pointed out in his report of 1836, the security of Texas depended more on the weakness and imbecility of her enemy than upon her own strength; and as time went on the truth of that remark became more and more manifest.

During the first two years which elapsed after the battle of San Jacinto the Mexican government repeatedly and publicly, and in stentorian tones, proclaimed its intention of reconquering Texas, and in 1837 and during a part of 1838 it maintained a force at Matamoros which, it was said, was destined to take part in the advance. That force, however, never attained any serious proportions. No sooner were troops collected there than it became necessary to despatch them to the interior to put down some military mutiny. Some efforts were made to enlist the aid of Indian tribes. Thus, in 1838 and 1839, General Filisola, who was once more in command at Matamoros, and his successor, General Canalizo, sent emissaries to the Cherokees and other Indian tribes in northeastern Texas, with a view to stirring them up to an attack on the settlements, and thus facilitating a Mexican advance into the southwestern part of the country. Two of these men were killed, and the papers found upon them abundantly proved the fact of official Mexican complicity in this projected piece of wickedness.[1] But nothing else was done.

Indeed, after the middle of the year 1838, the war with

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[1] Sen. Doc. 14, 32 Cong., 2 sess., 31-55.

France and the successful rising in Yucatan absorbed all the spare energies and cash of the Mexican government, and Texas, if not forgotten, was at least left undisturbed. Nevertheless, the Mexican government was never willing to admit for a moment that the independence of Texas was a question to be considered. The ruling classes in Mexico had inherited from their Spanish ancestors their characteristic unwillingness to look facts in the face, or to admit disagreeable truths, as well as their peculiar sensitiveness and desire to preserve appearances at any cost—traits which at least suggest an Oriental origin. All factions in Mexico, therefore, made the reconquest of Texas a party cry, "urging the continuation of the war as being necessary for the vindication of the national honor, *although they had neither the will nor the power to carry it on.*" [1]

The Mexican government had already shown their utter inability, in the campaign under Santa Anna, to carry on a distant and difficult offensive war, and every day the conquest of Texas was becoming a more serious task. A well-equipped and well-drilled army of twenty thousand men would not have been too large; and, to enable it to advance, a navy capable of securing control of the Gulf, of blockading three or four hundred miles of coast, and of assisting in the seizure of the principal ports would have been essential.[2] None of these requisites did Mexico possess.

Less than twenty years before Spain had loudly protested against the recognition by the United States and Great Britain of her former American colonies, and had announced her unalterable determination to reduce them to obedience. Mexico used precisely the same language in respect of Texas, and it was quite as impossible for Mexico to conquer Texas as it had been for Spain to conquer America.

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[1] Rivera, *Historia de Jalapa*, III, 291.

[2] "The continued bad faith of the Mexican Government has induced the President to issue letters of marque and reprisal; *the great object now being to keep command of the Gulf.* They cannot reach us by land, unless they can supply their troops by sea."—(Irion, Texan Secretary of State, to Hunt, Sept. 20, 1837; *Tex. Dip. Corr.*, I, 262.)

The failure to undertake an aggressive campaign against Texas was the more remarkable because the Texans had on several occasions given active help to the enemies of Mexico, and were constantly giving other causes of annoyance. Reference has already been made to their participation in the Federalist rising in northern Mexico, and to the help given by the Texan navy to the people of Yucatan. In the early part of 1837 a small party of Texans made an unsuccessful effort to capture the Mexican town of Laredo, on the eastern bank of the Rio Grande. Hostile parties, both of Mexicans and Texans, constantly ranged over the territory between San Antonio and Matamoros, "and gave to their respective superiors such news as they could gather —the most of which was totally unreliable, yet still calculated to produce uneasiness and uncertainty on the frontiers."[1] Still another trivial event which pleased the Texans and annoyed the Mexicans was the friendly visit paid to Texas by Admiral Baudin, with a part of his fleet, after the Vera Cruz campaign, in the course of which he exchanged civilities with the authorities of the republic.[2]

But in spite of these petty sources of irritation on both sides Mexico might have continued to abstain from committing any actual acts of warfare if it had not been for the very imprudent conduct of Lamar's administration. In his annual message for 1839 President Lamar had urged that some steps should be taken to extend the authority of the Texan government as far as the upper waters of the Rio Grande, in what was then and is now known as New Mexico.

The province of Texas during Spanish times, and later under the Mexican republic, had never extended so far as that; but the Texan Congress had passed a law three years before, by which they declared that the boundary of the republic on the south and west was marked by the Rio Grande.[1] It seems to have been Lamar's idea that, having once asserted title to this extensive territory, the republic of Texas ought to proceed to enforce the claim without any regard to its basis in truth or justice. Both of the houses of Congress, however, failed to pass bills laid before them to appropriate money for such an expedition. Lamar, nevertheless, was determined to go on with the project in spite of its not being authorized by law; and in the early summer of 1841, after considerable preparations, a party of about three hundred and fifty men was got together.

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[1] Yoakum, II, 210.

[2] The admiral landed May 2, 1839, at the mouth of the Brasos River, but sent his ships on to Galveston. He visited the city of Houston, at that time the capital, where he was very cordially received, and he sailed from Galveston on the fourteenth, after giving a reception and dance on board his flag-ship.—(Blanchard et Dauzats, 522–525.) General Bee, of Texas, met Baudin in June at Havana, who expressed himself as "perfectly charmed with you all. He says if not ordered to France, he will go to Texas, take horses and ride over the country."—(Bee to Webb, June, 1839; *Tex. Dip. Corr.*, II, 455.)

The ostensible object of this party was to carry on trade with the people of New Mexico in precisely the same manner as trade was carried on by caravans from St. Louis, and there actually were a large number of wagons in the caravan, which belonged to private individuals, who formed the nucleus of the party. In addition to these traders, there were about two hundred and seventy volunteers, under the command of "General" Hugh McLeod, who were nominally intended as an escort to protect the traders and their wagons from Indian attacks; and there were three commissioners from the government of Texas—Colonel Cooke, Doctor Brenham, and Mr. José Antonio Navarro, whose mission it was to treat with the people of New Mexico, and to offer to that territory the blessings of Texan government.[2] Finally, there were two or three travellers, one of whom, Mr. George W. Kendall, was one of the editors of the New Orleans *Picayune*.

It was well understood in Texas, before the expedition started, that its real purpose was not that of a mere commercial enterprise. It was known that the people of New Mexico were very much dissatisfied with the exactions of their governor, Manuel Armijo, who was a sort of Turkish pasha, and had for some years been commander-in-chief, legislature, custom-house collector, auditor, treasurer, judge, and court of appeals—exercising a perfectly irresponsible and despotic authority.[1] President Lamar and his friends believed that if a strong party of Texans showed themselves in New Mexico the inhabitants would gladly revolt and put themselves under the protection of the Texan government. They did not, however, reflect that grumbling at a governor of their own race and language was a very different thing from welcoming alien rulers and that the people of New Mexico might possibly be familiar with the fable of King Log and King Stork. Under these impressions, therefore, the Texan government committed the same blunder that the Spaniards had committed in sending their absurdly inadequate expedition to Mexico in 1829, and again exemplified the truth of the military maxim that no expedition should be sent into a foreign country, no matter how dissatisfied the inhabitants may be with their own government, which is not fully adequate, of itself, to the object proposed.

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[1] Act of Dec. 19, 1836; *Laws of the Rep. of Texas*, I, 133.

[2] Roberts to Cooke and others, June 15, 1841; *Tex. Dip. Corr.*, II, 737 *et seq.*

Not only was the expedition inadequate in size, but it turned out also to be inadequately equipped for the hardships of the journey. The fact was that nobody knew anything about the country to be traversed. Apart from the latitude and longitude of Santa Fe, they had no notion of where they were going. A Mexican who accompanied them had been a trapper on the head-waters of the Red River, and had been in New Mexico, but he was utterly lost long before he reached the Mexican settlements.

Toward the latter part of June, 1841, the expedition set out a month after it ought to have started, but for some weeks no great hardship was felt, although from time to time they encountered Indians who were always ready to cut off stragglers, and to drive off cattle and horses. Buffalo were plenty, and water and grass were abundant. But as the summer passed, and the slow procession drew its weary length past the head-waters of the Texan rivers, conditions changed. By the eleventh of August provisions began to run short. The country was arid and mountainous, and no game was to be found. It was determined, therefore, to send ahead three men under the lead of one Howland, a member of a well-known family of New Bedford, Massachusetts, who had formerly been in New Mexico and spoke Spanish. These men, steering by compass, reached the Mexican settlements early in September, and were at once arrested. They, however, made their escape, and endeavored to find their way back to the main party, but were recaptured, and all three were presently shot.

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[1] Gregg's *Commerce of the Prairies*, I, 226-233.

Meantime, the main body of the Texans was painfully pushing its way northwestward, under ever-increasing difficulties for want of food and water both for the men and the animals. By the beginning of September the situation had become so acute that the best mounted and most vigorous men, ninety in number, were sent ahead under the command of Colonel Cooke, and after suffering extreme hardships they reached the little village of Anton Chico, on the Pecos River. A few days later they surrendered to Governor Armijo.

The remaining Texans had continued in camp until September 17, when they were found by some Mexican guides who had been sent back by the advance party, and at once resumed their march toward Santa Fe. When they reached the borders of the Mexican settlements, at a place called the Laguna Colorada, somewhere, it would seem, not far from what is now Fort Bascom, they were met by a body of Mexicans. The Texans were in no condition to fight.

"Out of more than two hundred men, it was now found that the Texans could muster but about ninety who were really fit for active service, and these would have been obliged to act on foot entirely, as their horses had been either run off in the stampede on the Palo Duro, or kept so closely within the lines that they could not obtain grass enough to sustain their strength. Many of the men who had lost their horses, weak and dispirited from long marches and want of food, had secretly thrown away their arms to lighten themselves upon the road, and, in the mean time, that subordination, without which all efforts are useless, was in a measure lost. In this desperate condition, unable to hear a word concerning the fate of either Colonel Cooke or of two small parties they had sent out, and with the promise of good treatment and that their personal effects would be returned to them, a surrender was made."[1]

The Mexican forces had thus captured every one of the Texans who had reached Mexican territory without striking a blow or firing a shot. Governor Armijo, however, in reporting the event to the national authorities, did not fail to represent that he had gained two great victories over the Texan invaders. The bells in the city of Mexico were duly pealed, and salutes were fired to commemorate Armijo's triumphs at Anton Chico and the Laguna Colorada. "We congratulate the whole nation," wrote the *Diario de Gobierno*, "with the greatest satisfaction and the most lively joy upon this fortunate event; and we also offer congratulations to his Excellency the President, General Antonio López de Santa Anna, *benemérito de la patria*, whose administration seems to be destined by Providence to win for this country the completest glory and the most important triumphs, and insure its nationality and independence."[2]

The question now was what disposition should be made of the surviving prisoners, and Armijo decided to send them to the capital and to place them, as it was called, at the disposition of the supreme government. The prisoners, therefore, started from the village of San Miguel, now a station on the Atchison, Topeka & Santa Fe Railroad, just south of Las Vegas, on October 17, 1841, upon their long march to the city of Mexico. A week before Santa Anna had taken the oath of office as provisional President under the Bases of Tacubaya.

So long as the prisoners remained in the power of Governor Armijo and his men they were treated with great cruelty, and those who were unable to keep up with the rest were mercilessly shot and their bodies abandoned by the way-side. Early in November, however, they reached El Paso, and passed out of the jurisdiction of New Mexico, and thenceforth had more humane treatment as they toiled along to the south. The policy of the Mexican authorities

[1] Kendall's *Santa Fé Expedition*, I, 369.

[2] *México á través de los Siglos*, IV, 476.

evidently was to exhibit the prisoners in all the principal towns between El Paso and the capital, and they were taken through the streets of Chihuahua, Zacatecas, San Luis, Guanajuato, Querétaro, and other minor points—living proofs of the success of Santa Anna's armies—reaching the suburbs of Mexico during the first week in February, 1842. Apart from the hardships necessarily incidental to such a march, small-pox broke out among the men and some died and many suffered severely on this account.

Upon their arrival at the capital those who were citizens or subjects of some other country than Texas at once appealed to their respective ministers, and through diplomatic intervention most of them were released in time, but with more or less reluctance and unwillingness, by the Mexican government. The rest who could not claim such protection lingered for some time in military prisons; but finally, on June 16, 1842, almost all of the prisoners obtained their release on the occasion of Santa Anna's saint's day.[1] The one who was longest detained was Navarro, one of the Texan commissioners, who, having been born at Béxar, and having taken an active part in the formation of the Texan government, was especially singled out. He was imprisoned in the castle of San Juan de Ulúa until December, 1844, when he was allowed to reside in Vera Cruz, and from there he managed to escape early in the year 1845.[2]

The first news of this unfortunate expedition reached the United States about the end of the year 1841, and on January 14, 1842, caused some discussion in the House of Representatives. But the interest taken by the newspapers, especially in view of the fact that the editor of a leading journal was among the prisoners, was much greater than that evinced by Congress. The newspapers painted the sufferings of the prisoners in lurid colors, and the American government continued for some time to receive numbers of petitions from state legislatures and from individuals, begging for intervention on behalf of the captives—although it was evident that the United States government could do nothing officially on behalf of citizens of Texas. The American minister in Mexico did what he could, unofficially, to help them, and seems to have acted prudently and tactfully.

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[1] An account of the ceremony of the day and the general spirit of kindness manifested by the people to these unfortunate men will be found in Thompson's *Recollections of Mexico*, 92. Thompson also sent an account in an official despatch, dated June 20, 1842.—(*State Dept. MSS.*)

[2] The above account is taken from Kendall's *Santa Fé Expedition*, which not only appears to be a truthful history of events, but is also exceptional among works of this period, in possessing genuine literary merit. The official report of the Texan commissioners to their government, dated Nov. 9, 1841, written from *Allende* in the state of Chihuahua, is printed in *Tex. Dip. Corr.*, II, 777–783.

As might have been foreseen, if Lamar's government had been capable of foreseeing anything, the invasion of New Mexico inevitably led to a Mexican demonstration against Texas. Early in March, 1842, seven hundred men under General Vásquez, advanced upon San Antonio, and formally demanded a surrender of the place. There were only about one hundred Texan soldiers in the town, and they promptly retreated—leaving the Mexican force in possession. These troops remained two days, and departed on the morning of March 7, taking with them "all the valuables they could carry." At about the same time a small force took possession of Refugio and Goliad, and drove off a few cattle, but did no other harm.

The news of this invasion spread rapidly through Texas, and, of course, in a very exaggerated form. It was even believed that the new capital, Austin, on the Colorado River, was in danger of capture, and the militia was called out, under command of General Somervell, who, by the middle of March, 1842, had about thirty-five hundred men under his command. By that time it was ascertained that the Mexicans had already recrossed the Rio Grande.

President Houston, who had taken office the previous December upon his re-election to the presidency, was by no means so ready as his predecessor to engage in an offensive war. He was quite aware that an invading expedition needed to be strong, well-equipped, and well-disciplined; and he also was aware that the number of troops which Texas itself could supply, and the sum of money which its Treasury could furnish, were utterly inadequate to the object proposed. He therefore instructed General Somervell to organize his troops and to await further orders. At the same time commissioners were sent to the United States to try to secure men, money, and munitions of war.

The news of the Mexican invasion of Texas reached Washington on March 24, 1842, through a New Orleans newspaper of the sixteenth of the month. Webster at once consulted the President on the subject of restraining the Indians along the frontier, and later assured the Texan representative in Washington that the United States would see to having the Indians kept within their proper territory.

> "I feel satisfied," the minister reported, "that it will be done, and that Texas in her struggle can have the aid of all her gallant sons, both in the east and along the Red river line, since the United States will save their homes and property from the depredations of the savages. The Government here will likewise take means to defend the lives, liberty, and property of her citizens on Galveston Island." [1]

This was a promise of pretty substantial help, but it may very well be doubted whether Webster went quite as far as was represented; although he certainly was, at that time, very bitter against Mexico.

So far as the public was concerned, the news of the invasion added fresh fuel to the flame which had already been kindled in the United States by accounts of the brutal treatment of the Santa Fe prisoners. Enthusiastic meetings in behalf of Texas were held in New Orleans, Mobile, Savannah, Louisville, Cincinnati, Philadelphia, New York, and elsewhere; committees were appointed to raise money; and a small number of "emigrants" were enlisted and started from New Orleans. The excitement, however, was short-lived. As soon as the further news came that the Mexican advance was not a real attempt to reconquer Texas, and was nothing more than a mere raid, enthusiasm throughout the United States cooled as quickly as it had flared up, and nothing further was heard upon the subject.[2]

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[1] Reily to Jones, March 25, 1842; *Tex. Dip. Corr.*, I, 546.

[2] See McMaster, VII, 307, for newspaper accounts of the feeling in the United States at this period.

The Mexican government, however, exhibited and undoubtedly felt great indignation at the conduct of the United States government in permitting such open expressions of sympathy with Texas, and such practical proofs of the sincerity of that feeling; and the Mexican Minister of Foreign Relations went so far as to threaten, in scarcely concealed language, a declaration of war against the United States—a threat which Webster, then the American Secretary of State, declared would not in the slightest degree change the conduct of his government.[1]

Meanwhile, the Texan troops encamped at San Antonio were by no means pleased at President Houston's restraining them from an immediate advance into Mexico. When General Somervell, who was regarded as Houston's representative, arrived in the camp on March 18, the men refused to obey his orders; and he thereupon retired, leaving Burleson, the Vice-President of the republic, in command. Burleson had had experience before of the entire impossibility of enforcing any orders upon Texan volunteers of which these gentry did not approve, and after some efforts at organization he gave up the task, and disbanded his militia on the second of April. At the same time, he published an insubordinate letter, saying that if his orders had permitted him to cross the Rio Grande he would have inflicted a chastisement on the Mexicans which would have resulted in an honorable peace.

Houston, however, without money and without credit, was in reality doing his best to collect some sort of military force. The Texan navy was off the coast of Yucatan and it was ordered to return. The few volunteers who had come from the United States were collected at Corpus Christi, where they were to be organized and drilled, but under strict orders from the government to make no advance toward the frontier. The disastrous folly which had prompted the attempt to advance on Matamoros in 1835 had taught the Texan executive a lesson of prudence. "When there are means for a successful attack," ran the orders, "it shall be taken; and until then any attempt would be destructive to Texas."

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[1] For this correspondence see the next chapter.

At this time Matamoros was held by a considerable force of Mexican troops under the command of General Manuel Arista, a man who was more of a politician than a soldier, who had been alternately a supporter and an opponent of Santa Anna, but who was now again in favor.[1] If the Texans were to make any hopeful move against him they required a far more complete equipment than any of their forces had ever possessed. But to equip an army required money and Houston had none. He was at the end of his resources, and all he could do he did, by calling a special session of Congress, to meet on June 27, 1842. In a message sent in on that day the President advised that Congress should take suitable measures to counteract whatever steps Mexico might take to disturb the peace, prosperity, and settlement of the frontier. The volunteers from the United States, he said, had been sustained almost entirely by private contributions, which were now exhausted, and there was no sufficient appropriation for the support of the navy. In reply to a request from Congress for information the President on July 18 further reported that the American volunteers were mutinous and insubordinate, and that he despaired of their reformation, and believed it would be more politic for Texas to rely on her own militia and to discharge the foreign volunteers.[2]

Congress thereupon passed a foolish bill, authorizing the President to call for volunteers for the purpose of invading Mexico, and if the number responding to such call should be insufficient he was authorized to order out not exceeding one-third of the militia. He was also authorized to receive contributions of land, money, provisions, and equipments, and to hypothecate or sell not exceeding ten millions of acres of the public lands for the purpose of raising a war fund. This was all very well on paper, but as there was no sale for the land, and probably no disposition on anybody's part, in Texas or out of Texas, to contribute a dollar for the purpose of invading Mexico, Congress, for all the good it did, might just as well have stayed at home. For these and other reasons the President vetoed the bill, and Congress shortly after adjourned without having taken any action.[1]

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[1] Arista was born at San Luis Potosí in 1802, and was a lieutenant in the Spanish army; for a time, while suffering under Santa Anna's displeasure, he lived at Cincinnati, Ohio. During Bustamante's second administration he was reinstated in the army and put in command of a force intended to relieve Vera Cruz, where he was taken prisoner by the French, but released after a short and easy captivity.

[2] Yoakum, II, 350.

In the meantime Arista was not altogether idle. At daybreak on July 7 the volunteers encamped at Corpus Christi, then numbering less than two hundred men, were attacked by a force of Mexicans, who were rather easily repulsed. Two months later the Mexicans made another advance into Texas. On September 11, 1842, a force of about twelve hundred men, under the command of General Adrian Woll, entered San Antonio; and so little precaution had the Texans taken to watch the enemy's movements that the presiding judge of the district court, then sitting at San Antonio, together with the leading members of the bar, were captured—practically without resistance. About fifty-three men in all were thus made prisoners, and were marched off to the city of Mexico, probably with the idea of giving further ocular demonstration of the success of the Mexican arms.

Again the Texan militia were called out, under command of General Somervell, and responded in great numbers. The first of the advancing Texans met with misfortune. On September 13 they were attacked by General Woll's troops at the Salado Creek, and after an indecisive action the Mexicans fell back to San Antonio, taking with them some fifteen prisoners who had formed part of a small force of men under Captain Dawson, and who were captured before they had had an opportunity to join the main body.[2]

By this time the Texan militia were rapidly assembling, and would soon have outnumbered Woll's force. At daybreak on September 18, 1842, he therefore set out in retreat, taking his prisoners with him. He was pursued by the Texan militia for thirty or forty miles, when the pursuit ceased, and he was permitted to recross the Rio Grande without molestation.

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[1] *Ibid.*, 360.

[2] *Ibid.*, 361–366. E. W. Winkler, "The Béxar and Dawson Prisoners," *Tex. Hist. Quar.*, XIII, 292–324. The greater part of these prisoners were held in captivity until the spring of 1844.

The assembling of the Texan forces near San Antonio was accompanied by the usual amount of intrigue and disorder. "From the time of the first assembling of the troops," says Yoakum, "until their departure, there was much confusion, arising out of a want of provisions and ammunition, but, above all, from the insubordination and ambitious pretensions of various persons in the army, who, feeling themselves competent to assume the direction of the entire force, and march them to victory over the whole of Mexico, were surprised and indignant that the command was not conferred on them."[1] There was also the usual amount of desertion by men who did not thoroughly approve of the course of their commanding officers, but ultimately, about the beginning of November, General Somervell, with some seven hundred and fifty men, started out to take the town of Laredo. The historian of the expedition casts severe ridicule on Somervell's cautious approach upon this undefended village, the inhabitants of which were perfectly friendly and ready to sell the Texans anything the latter were able to pay for.[2]

From Laredo Somervell marched his men down the Texan side of the river. On December 15, 1842, he crossed over and plundered the Mexican town of Guerrero and immediately recrossed to the Texan side. Finally, on December 19, 1842, he issued an order directing his troops to march in the direction of Gonzales, in Texas, where they were to be disbanded.

A considerable part of Somervell's men very indignantly refused to obey this order. They had supposed that they were to be marched into Mexico, and to Mexico they intended to go, whether General Somervell took them or not; and thereupon the Texan force was divided into two parties, one of which set off for Gonzales to be disbanded and the

[1] Yoakum, II, 368.

[2] Green, *Expedition against Mier*, 52-55.

other, consisting of about three hundred men, set off to carry on a private war of their own. Crossing the Rio Grande, they undertook to attack the town of Mier, which, like most small Mexican places, was built of flat-topped stone or adobe houses ranged around a principal square. Following the example set at San Antonio in 1835, the Texan forces assaulted the town on Christmas night, and working their way through the mud walls of the Mexican huts effected a lodgement on the square. The Mexican troops, however, were present in considerable force—probably more than fifteen hundred men—under the immediate command of General Pedro Ampudia. Some severe fighting took place on the afternoon of December 26, 1842, but at last the Texans surrendered, under a written assurance from the Mexican general that they should be treated "with the consideration which is in accordance with the magnanimous Mexican nation."

The Texan prisoners taken at Mier who were able to march numbered two hundred and twenty-six, and, as in the case of the Santa Fe and San Antonio prisoners, they were sent off under a strong guard toward the city of Mexico. Their route lay through Matamoros, Monterey, and Saltillo. Early on the morning of February 11, 1843, at a point one hundred miles south of Saltillo, the prisoners overpowered their guard, seized their horses, and started back on the road to Texas. Their conduct on the return march was as injudicious as their advance upon Mier. They abandoned the main line of travel in the hope of evading pursuit, and becoming lost among the mountains were compelled to kill their horses for food. What arms and ammunition they had many threw away. Five were known to have died of starvation in the mountains, four managed to reach Texas, three more were missing and supposed to have perished somewhere on the road, and the rest were retaken by the Mexican forces. When the recaptured prisoners were brought back to the scene of their escape they were met by an order from the government that they were to be decimated, and accordingly lots were drawn and every tenth man was shot. The survivors were sent on toward the capital, where, like the other Texan prisoners, they were held for some months, either near Mexico or in the castle of Perote. Some of them managed to escape from that fortress and others were released from time to time; some died and all the rest were finally discharged on September 16, 1844, the anniversary of Mexican independence.[1]

That all the recaptured prisoners were not shot appears to have been due, in some measure at least, to the unofficial intervention of Waddy Thompson, the American minister, who called at the Mexican Foreign Office and expressed the hope that all the privileges of prisoners of war would be extended to the Texans. Bocanegra, the Minister of Foreign Affairs, was much excited, and insisted that as they were not American citizens Mexico would listen to no suggestion upon the subject from any quarter.

> "I rose from my seat," says Thompson, "and said: 'Then, sir, shoot them as soon as you choose, but let me tell you, that if you do you will at once involve in this war a much more powerful enemy than Texas,' and took my leave. An express was immediately sent, countermanding the order to shoot them all, and another order given that they should be decimated, which was executed. I afterwards received from some of the Texan prisoners, a heart-sickening account of the execution of those upon whom the lot fell. It was a cold-blooded and atrocious murder."[2]

The tragic circumstances attending the execution of these prisoners—who were not on parole, and were therefore thought to be justified in escaping if they could—created much sympathy for the men who had engaged in the foolish and insubordinate expedition above related. Its ill success served one good purpose at least, for it convinced the Texans that they were as incapable of invading Mexico as Mexico was incapable of subduing Texas.

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[1] See Green's *Expedition against Mier*, which is the leading authority upon this subject. Bancroft, *North Mex. States and Texas*, II, 360–370, condenses Green's narrative, and gives a number of additional details from other sources.

[2] Thompson's *Recollections of Mexico*, 74.

One other foolish attempt at reprisals remains to be noticed. In the spring of 1843 a force of about two hundred Texans was assembled near Georgetown, on the Red River, under the command of a certain Major Jacob Snively, which was intended to proceed in the direction of Santa Fe and capture the goods of Mexican merchants trading with St. Louis. President Houston was so ill-advised as to furnish Snively with a sort of commission, very much like letters of marque and reprisal to a privateer, authorizing him to capture the enemy's property. Half the proceeds was to belong to the captors and half to the Texan government, and the Texan government was not to be put to any expense in the matter. Snively lay in wait in what is now southern Kansas, on the south side of the Arkansas River, for the caravan from St. Louis; but it was doubtful whether or not his camp was west of the one-hundredth meridian. If it was not, he was within the territory of the United States.

On June 30 the caravan reached the river, escorted by a detachment of United States dragoons and two field-pieces, under the command of Captain Philip St. George Cooke. Cooke, who seems to have been a rather peremptory officer, sent for Snively, told him he was encamped on territory of the United States, and that he and his force must give up their arms. This they did and the expedition was ignominiously dispersed. Upon the complaint of the Texan government a court of inquiry was appointed in the case of Captain Cooke, which found that the place where the Texan force was disarmed was within the territory of the United States, that there was nothing harsh or unbecoming in Cooke's conduct, and that he did not exceed his authority.[1]

It had become apparent before this to the Texans that they could not obtain permanent peace with Mexico save with the help of some other nation. The United States might, if Congress were willing, secure peace by force of arms, and England, or France, or even the United States, or all three together, might persuade Mexico to accept their mediation. To one of these solutions—intervention by the United States or mediation by one or more foreign powers—the diplomatic efforts of Texas were necessarily addressed.[1]

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[1] An adequate account of this adventure will be found in the diplomatic correspondence published in Sen. Doc. 1, 28 Cong., 2 sess., 96–112.

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[1] Further details as to some of the subjects treated of in this chapter will be found in Mr. T. M. Marshall's article on "Diplomatic Relations of Texas and the United States, 1839-1843," *Tex. Hist. Quar.*, XV, 267-293.

CHAPTER XX

THE WHIGS AND MEXICO

In the preceding chapters the political history of Mexico and Texas has been traced down to the end of the year 1844; and it next becomes necessary to relate the course of events in the United States—so far, at least, as those events had any bearing upon the destinies of the two neighboring republics.

It will be remembered that President Van Buren's administration had very positively declined, in the summer of 1837, to give any consideration to the proposal for the annexation of Texas, and that Texas herself, in the course of the following year, had formally withdrawn the proposal. On December 9, 1838, Lamar had been inaugurated President of the infant republic, and had expressed himself, in his very finest language, as definitely opposed to reopening negotiations.[1] From the moment it became generally known that neither the United States nor Texas desired annexation the exciting subject lost its interest. Petitions ceased to be presented to the American Congress, debates turned on other matters, and the question of Texas played no part at all in the extremely active presidential campaign of 1840.

Van Buren was renominated by the Democratic convention, which met at Baltimore, May 5, 1840. The platform declared that Congress had no authority to interfere with slavery in the states; that all efforts of the abolitionists to induce Congress to act in this matter were alarming and dangerous to the Union; and that public moneys should not be deposited in banking institutions. In addition, the platform disapproved "internal improvements," federal assumption of state debts, the fostering of one industry so as to injure another, the raising of more money than was required for the necessary expenses of the government, and the creation of a national bank. The word "Texas" was not mentioned.

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[1] "A long train of consequences of the most appalling character and magnitude have never failed to present themselves whenever I have entertained the subject, and forced upon my mind the unwelcome conviction that the step once taken, must produce a lasting regret, and ultimately prove as disastrous to our liberty and hopes as the triumphant sword of the enemy."

The Whig convention had previously met at Harrisburg, in December, 1839, but it had put forward no platform. The reason for this failure to issue any declaration of principles was well understood. The delegates could not possibly have agreed on any statement whatever. "A platform," said the candidate for Vice-President, "would have scattered us to the winds";[1] and indeed the Whig party, which had only come into existence during Jackson's second administration, was not a political party at all, in any proper sense of the word. It was composed of a number of factions, who only agreed in their opposition to Jackson and Van Buren, and who were opposed to each other upon every other subject. It comprised as its most numerous and conspicuous group the "National Republicans," chiefly Clay's worshippers, who had been outspoken in favor of "internal improvements" and protective duties. It comprised extreme "state-rights" advocates, who were opposed to both "internal improvements" and high tariffs, but who had been angered by Jackson's proclamation of 1832 against nullification. It comprised a majority of the anti-Masons, who detested Clay. It comprised many men who had supported Jackson, but who had been driven away by what they regarded as his high-handed and arbitrary action. And it comprised a small group who, under the name of Conservatives, finally abandoned the fortunes of Van Buren because they could not support his independent treasury scheme, believing that the moneys of the United States should be deposited under proper safeguards with the state banks.

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[1] Tyler, *Letters and Times of the Tylers*, I, 596.

The accepted leaders of the most numerous branch of the Whig party were Webster and Clay, although outside of New England Webster had little support, and six months before the Harrisburg convention met had taken himself out of the contest. Clay, on the other hand, had friends and supporters everywhere; but he had also active and influential enemies in the party, the result of whose activities was the nomination of William Henry Harrison, of Ohio.

Harrison was a native of Virginia, the son of Benjamin Harrison, one of the signers of the Declaration of Independence. He had entered the army when a mere lad; had served in the West under Anthony Wayne; had been secretary of the Northwest Territory and governor of what was called the Indiana Territory; and had been active and successful in the War of 1812. At the battle of Tippecanoe he had broken up the strongest Indian federation, and at the battle of the Thames he had defeated the British and recovered possession of Detroit. He was no genius in military any more than in civil affairs, but in a war where there had been very little glory for anybody the smallest success was a mark of distinction for a fortunate commander.

Since the close of the war Harrison had represented Ohio in both houses of Congress, where he had played an extremely modest part, and had been appointed by Adams, near the close of his administration, as minister to Colombia. One of Jackson's first acts had been to recall Harrison, and since 1829 he had been living in a very small way on a farm near Cincinnati. Both as a follower of Clay's wing of the Whig coalition, and as a military "hero" Harrison was distinctly available. He had no inconvenient record; he was connected with some of the leading families in the South; he was not obnoxious to slave-holding constituencies; and he was popularly believed to be living the simple life of the poorest farmer.

The Whig candidate for Vice-President, who was destined to have a far larger influence over public affairs than usually falls to the lot of Vice-Presidents, was John Tyler, of Virginia. He was the son of a former governor of Virginia who had been the neighbor and friend of Benjamin Harrison. John Tyler had entered public life almost at the moment he was twenty-one. He was now a little short of fifty, and had been in public life almost without a break ever since his majority. He had served in the legislature of his native state, had been governor of Virginia, and had had, from time to time, a seat in one house or the other of Congress. He was a kindly and well-educated man, of agreeable manners, and of strong though narrow beliefs; and the political opinion to which he chiefly clung, and which had notoriously served to guide him throughout his career in Congress, had been an unqualified and unwavering belief in the doctrine of state rights.

In Congress he had been almost always in opposition. He had voted against internal improvements. His vote was the only one cast in the Senate against the "force bill" of 1833.[1] He believed the Missouri compromise to be unconstitutional. He deplored the existence of slavery, but declared that he would tolerate no officious interference from without. He was a free-trader, and had voted against the tariff of 1828 and the tariff of 1832, although he had supported if not inspired Clay's proposal which resulted in the compromise tariff of 1833. One of Tyler's strongest convictions was the unconstitutionality of the United States Bank. The fact that the law creating it had been upheld by a decision of the Supreme Court did not at all shake his convictions as to his own duty. When the question of renewing the bank's charter came up he voted against it, though he also voted against the withdrawal of the deposits, regarding it as a harsh and arbitrary measure. His career had been straightforward and consistent, and was perfectly well known to all who cared to inquire. He certainly had nothing whatever in common with such leaders as Clay and Webster, having in fact been opposed to almost every measure with which they were identified; and his nomination on the same ticket with Harrison was such an open bid for

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[1] The other Southern members opposed to this bill left the Senate when it was brought up and declined to vote.

Southern support as fairly personified the real spirit of the Whig party and the Harrisburg convention.

Clay, who was greatly disappointed at the failure of the convention to nominate him, is said to have protested that he was the most unfortunate man in the history of parties —"always run by my friends when sure to be defeated, and now betrayed for a nomination when I, or any one, would be sure of an election." There was indeed little doubt as to the result of the election. The bad times which had prevailed since 1837 had made the administration unpopular; there had been scandalous peculation on the part of some of the Democratic office-holders, and the tyranny of the Democratic organization had driven out of the party many of its most influential supporters. The campaign, however, was very vigorously fought after a fashion of its own.

> "There has probably never been a presidential campaign," says Schurz, "of more enthusiasm and less thought than the Whig campaign of 1840. As soon as it was fairly started, it resolved itself into a popular frolic. There was no end of monster mass meetings, with log cabins, raccoons, and hard cider. One half of the American people seemed to have stopped work to march in processions behind brass bands or drum and fife, to attend huge picnics, and to sing campaign doggerel about 'Tippecanoe and Tyler too.' . . . The immense multitudes who gathered at the meetings came to be amused, not to be instructed. They met, not to think and deliberate, but to laugh and shout and sing."[1]

As a result of this novel method of campaigning the total popular vote cast was immensely in excess of anything known in former elections, and the Whig candidates received an immense popular majority. In the electoral college the vote was nearly four to one in their favor.

Harrison, when he was inaugurated, was not in good health. He was nearly sixty-eight years old, and was subjected, from the time he reached Washington, to an excessive strain upon all his faculties. Just a month after his inauguration he died, but he had lived long enough to make up his cabinet, and to summon a special session of Congress, which was to meet on May 31, 1841.

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[1] Schurz, *Clay*, II, 186.

Clay had at first been offered the position of Secretary of State, but he declined it in order to remain the leader of Congress. Thereupon Harrison appointed Webster Secretary of State. Francis Granger, of New York, who was regarded as one of Webster's friends, and was an anti-Mason and an anti-slavery man, was appointed Postmaster-General; but the Secretaries of the Treasury, of War, and of the Navy, as well as the Attorney-General, were intimate friends and supporters of Clay. In this cabinet Tyler, upon his accession, made no change, although there was not a man in it who was his friend or who shared his peculiar constitutional views.

The firmness with which the new President held these views was soon put to the test. The object of the special session of Congress had been loudly proclaimed by Clay and the exulting and victorious Whigs to be the entire overthrow of the financial legislation of Van Buren's administration. They meant to repeal the law establishing the independent treasury, to re-establish a central bank, to amend the tariff, and to provide for the distribution of the proceeds of land sales among the states. There was no difficulty in passing an act abolishing the independent treasury; but the next step, that of framing a charter for a new United States bank which should meet the approval of the President, was a much more serious undertaking. Tyler's objections to a central bank were based upon his strong belief that Congress had no power to confer on any banking corporation chartered by it authority to act in the various states; but he announced his willingness to sign a bill which should provide for creating a bank in the District of Columbia, with authority to establish branches in the several states, but only with the assent of such states. Such a form of charter would, however, have been of very little practical value, and the bill as passed by Congress provided that the assent of the states should be presumed, unless dissent was expressed within a limited time. This bill Tyler, as might have been foreseen, at once vetoed.

Negotiations followed in an effort to frame a measure that would accomplish what the friends of a central bank desired, and at the same time would not be obnoxious to the President's constitutional scruples. The majority of Tyler's cabinet seem to have supposed that they had got his assent to a measure which they submitted to him, but when a bill in that form was hurriedly passed by both houses of Congress it was again vetoed. A very violent controversy broke out, which unfortunately turned, in part, upon questions of the President's veracity. All the members of the cabinet, with the exception of Webster, resigned their places, and Tyler was left without a party, and almost without supporters.

Webster had been in doubt as to his own course, and therefore, when his colleagues threatened to resign, he invited the Massachusetts delegation in Congress to meet him and laid the case before them. The resignations of four members of the cabinet—Clay's four followers—were to be sent, he said, to the President the next morning.

> "Mr. Webster then, addressing me," says Adams, "said that, being thus placed in a peculiar position, and seeing no sufficient cause for resigning his office, he had requested this meeting to consult with the members of the delegation and to have the benefit of their opinions, assuring them that as to the office itself it was a matter of the most perfect indifference to him whether he retained or resigned it—a declaration which it is possible he believed when he made it. But he had prefaced it by stating that he saw no cause sufficient to justify his resignation. It was like Falstaff's recruit 'Bullcalf.' 'In very truth, sir, I had as lief be hanged, sir, as go; and yet, for mine own part, sir, I do not care; but rather because I am unwilling, and for mine own part have a desire to stay with my friends; else, sir, I did not care for mine own part so much.' . . . For himself, Mr. Webster said, Mr. Tyler had never treated him with disrespect, and he had no doubt it was his desire that he should remain in the Department of State. . . . But the joint resignation of the four heads of Departments together was a Clay movement, to make up an issue before the people against Mr. Tyler. We all agreed that Mr. Webster would not be justified in resigning at this time; but we all felt that the hour for the requiem of the Whig party was at hand."[1]

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[1] Adams, *Memoirs*, XI, 13.

It was indeed natural to conclude that the Whig party was on its death-bed. The break between the President and the main body of the party was complete and irremediable. Clay at the beginning of the special session of Congress had "entered the Senate as a captain of a ship would step on deck to give his orders,"[1] and he had failed in all the objects nearest his heart. The resignation of the members of the cabinet had been devised by him in the hope of making a complete breach between the mass of the Whig party and the President; but Webster's refusal to resign served to prevent the plan from being carried out to its full extent. The President felt confident that, with the aid of Webster, he could now go forward to create a new party which would overthrow Clay and all his friends. "I will say to you," said the President to Webster, when the latter announced that he would stay in the cabinet, "that Henry Clay is a doomed man from this hour."[2]

The resignations of Clay's friends, followed by that of Granger, the Postmaster-General, were sent in to the President on Saturday, the eleventh of September, and Congress was to adjourn at noon on the following Tuesday. The President believed and said that the intention was to prevent him from having any cabinet at all until Congress should meet again in December, for the Constitution only authorized him to fill, without the consent of the Senate, vacancies that might happen during its recess, and these vacancies had been carefully timed so as to happen just before a recess. Tyler, however, had evidently been considering for some time the constitution of a new cabinet, and by Monday morning he was ready with a complete list of names which were submitted to the Senate and immediately confirmed. The men named, he wrote, were, like himself, "all original Jackson men, and mean to act upon Republican principles."[3]

But Tyler's visions of a regenerated Whig party, led by himself and Webster amid the applause of the country, was destined to a swift and rude awakening. He found himself not only without a party, but without friends in the press, and the object of loudly expressed popular detestation as a traitor to the Whig party, which had honored him with office. Nor were conditions any better when Congress met in the regular session. The Clay Whigs were found to be in a majority, which was unshaken by any defection, except of an insignificant few, whom Clay contemptuously called the corporal's guard. From the first Monday in December, 1841, until the last day of August, 1842, therefore, Congress sat, doggedly determined to carry out none of the President's recommendations. It failed for a long time even to provide the necessary means for carrying on the government.

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[1] Schurz, *Clay*, II, 204.

[2] *Letters and Times of the Tylers*, II, 122.

[3] *Ibid.*, 125.

The Whigs were desirous of passing a measure—to which the President was strongly opposed—for distributing among the states the proceeds of the sales of public lands; and they endeavored to secure their end by tacking this measure to a tariff bill. Tyler had no serious objection to the tariff bill, but he objected to the distribution of money in the Treasury among the states. He therefore vetoed two successive tariff bills, and undertook to lecture Congress upon their duty.

The second veto roused the Whigs to an extraordinary pitch of indignation. The President's message, whatever may have been its faults of taste and temper, was at least an act entirely within his constitutional province. But the House of Representatives, to which it was addressed, publicly denounced his conduct as an "abusive" exercise of power, and adopted the report of a special committee, of which John Quincy Adams was chairman, which expressed the opinion that it was a case for impeachment. The committee further advised the adoption of a joint resolution—which was immediately passed by the House and never heard of again—recommending to the states an amendment to the Constitution by which a majority of each house of Congress, instead of two-thirds, should be sufficient to pass a bill over the President's veto.

The Whigs might well rage, for they were impotent to pass any measure over the President's veto, supported as he was both by his "corporal's guard" and by the whole strength of the Democratic party in Congress; nor did they dare to press impeachment, for they were beginning to be aware that public opinion outside of Congress, which had manifested itself in the previous autumn in noisy demonstrations against the President, was in rapid process of change. The Whig majority thus had their hands tied by their own President; but in the end Congress passed a tariff bill which omitted the obnoxious provision as to the distribution of the sales of public lands. Congress also made tardy provision for supplying the needs of the government, and adjourned on August 31, 1842, leaving Tyler triumphant and happy. He was still better pleased when the congressional elections in the autumn of 1842 resulted in a crushing defeat for the Whigs, the House of Representatives becoming Democratic by a very large majority. The expiring Congress met again in December, 1842, for the short session, but in a chastened and far more peaceful and conciliatory temper, and it did little beyond the routine appropriation of money.

Webster all this time had continued steadily at his post in the State Department. His refusal to resign with the rest of his colleagues was in reality due to several reasons, of which a desire not to play the part of tail to Clay's kite was undoubtedly one; but it is probable that his chief reason was a patriotic desire to settle the very serious questions then pending with Great Britain, and which bore the appearance of leading to a possible war between the two countries.[1] Adams's chief reason for advising him to stay, in spite of his ungenerous sneers at Webster's attitude, was unquestionably the belief that his "signally conciliatory temper and disposition toward England was indispensably necessary to save us from a most disastrous and calamitous war."[1]

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[1] "I shall not act suddenly; it will look too much like a combination between a Whig Cabinet and a Whig Senate to bother the President. It will not be expected from me to countenance such a proceeding. Then, again, I will not throw the great foreign concerns of the country into disorder or danger, by any abrupt party proceeding."—(Webster to Ketchum, Sept. 10, 1841; *Webster's Private Corr.*, II, 110.)

Into the details of the British negotiations it is unnecessary to enter. In large part they turned upon the irritating controversy concerning the northeastern boundary between the United States and Canada, which had been under discussion for fifty years. If any compromise of the extreme claims on both sides was to be effected—and that seemed the most likely way out—it was apparent that the United States must surrender territory claimed by the state of Maine; and it was also apparent that no one but a New England man possessing the influence and authority that were possessed by Webster could possibly have succeeded in getting such a compromise approved in New England.

The negotiations were conducted with great skill and entire success, and Webster was ably supported by Edward Everett, of Massachusetts (who had been appointed minister to England by Tyler, in July, 1841), and by the good sense and quiet tact of the President, which helped in smoothing over difficulties. The British government, on its side, was represented by Lord Ashburton, a member of that influential family which has given so many statesmen and administrators to the service of the kingdom, and has made the name of Baring known throughout the world. He arrived in the United States early in April, 1842, and on August 9, 1842, a treaty was signed which, with a single exception, practically disposed of every question in controversy between the two countries. The exception was the northwestern boundary of the country, from the Rocky Mountains to the Pacific.

But if most of the dangerous questions on the northern frontier were settled or adjourned, the equally troublesome questions on the southwestern frontier were still open. The first of these problems was that of Texas. To a solution by the simple remedy of annexation President Tyler did seriously incline. As early as October, 1841, very shortly after the reconstruction of his cabinet, he wrote to Webster: "I gave you a hint as to the probability of acquiring Texas by treaty. I verily believe it could be done. Could the North be reconciled to it, could anything throw so bright a lustre around us?"[1] But though Webster did not fall in with the suggestion, the subject evidently was a good deal talked about, for in November Adams was much alarmed by statements appearing in newspapers favorable to the administration, to the effect that the project of annexing Texas to the United States was to be revived. In December he read a long article in the New York *Courier and Enquirer* recommending annexation by arguments addressed first of all to the abolitionists.[2]

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[1] Adams, *Memoirs*, XI, 36.

The fact was that a large majority of the reconstructed cabinet was in favor of annexation. "I feel satisfied fully," wrote the Texan minister in Washington the following spring, "that the administration is decidedly in favor of the policy, and that the Question is a popular one with Congress."[3] The next July the Texan minister had "a full and free conversation" with the President upon the subject of annexation, in the course of which the latter remarked "that he was anxious for it, and wished most sincerely he was able to conclude it at once." The only fear was that a treaty would not be confirmed by the Senate, although there was a majority in favor of annexation, and "the President would act in a moment if the Senate would concur."[4]

In December, 1842, the Texan minister in Washington reported that the President, as well as the majority of his cabinet, were decidedly anxious for annexation, and had so expressed themselves without reserve, the President saying that as soon as he was satisfied that the co-operation of the Senate could be had he would be willing immediately to make the treaty. "Some of the most prominent leading partisans of the President in Congress" were also in favor of his making the treaty, "believing it would render him omnipotent in the South and West," and it was thought that the time would soon arrive when it would be in the power of Texas to secure annexation; and, if Texas still desired it, full powers should be sent so that the negotiation could be begun at the proper time.[1]

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[1] *Letters and Times of the Tylers*, II, 126.

[2] Adams, *Memoirs*, XI, 41.

[3] Reily to Jones, April 14, 1842; *Tex. Dip. Corr.*, I, 552.

[4] Reily to Jones, July 11, 1842; *ibid.*, 567.

But the real obstacle to any effort at annexation was always Webster, who could not be expected, as a Massachusetts Whig, to favor the project. He had expressed a very decided adverse opinion early in Van Buren's administration, first, because there was no need of extending the limits of the Union in that direction, and, second, because of his "entire unwillingness to do anything that shall extend the slavery of the African race on this continent, or add other slave-holding states to the Union";[2] and from that opinion he never departed. While Webster remained in the State Department, and Adams was chairman of the Committee on Foreign Affairs in the House of Representatives, the cause of annexation, therefore, necessarily remained in abeyance; but there were other controversies with Mexico in plenty.

In the first place, the settlement of the American claims against Mexico, some of which had been disposed of by arbitration, was still extremely troublesome. It was one thing for Mexico to submit a question to arbitration; but it was quite another thing to pay a judgment when rendered. There were, moreover, a number of claims which, for one reason or another, had not been passed upon in the arbitration, and it was necessary to enter into negotiations for the adjustment of this unfinished business. "These negotiations were complicated by two causes—the Texan question, and the poverty of the Mexican Treasury. The former served to render all intercourse between the two governments difficult and precarious; the latter—the lack of money—rendered the Mexican government unable to discharge its pecuniary obligations either to the United States or to other powers."[3] In the end a new treaty was signed, on January 30, 1843, by which the Mexican government agreed to pay the amount of the awards, with interest, within five years, in the city of Mexico, in gold or silver money; and it was also stipulated that a new convention to settle such claims of the two governments and their citizens as were not decided by the late commission should be entered into. The new claims convention contemplated by the treaty of January 30 was concluded on November 20, 1843, but, owing to objections by the American Senate, was never ratified.[1] The claims not passed upon by the former arbitrators were, therefore, left in the air—without any prospect of early settlement. In the meantime, and while these negotiations with respect to the payment of awards and the settlements of the other claims were still pending, the relations between the United States and Mexico were further complicated by acrimonious correspondence growing out of the Santa Fe expedition and the capture of San Antonio by the Mexican forces.[2]

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[1] Van Zandt to Terrell, Dec. 23, 1842; *ibid.*, 633.

[2] Speech at New York, March 15, 1837; Webster's *Works*, I, 356.

[3] Moore, *International Arbitrations*, II, 1245.

The Santa Fe prisoners had reached the neighborhood of the city of Mexico early in February, 1842, but the tales of their sufferings and of the cruelties practised upon them by Governor Armijo had reached Washington a month before. The relatives and friends of the prisoners, of course, began calling upon the State Department to interpose in their behalf, and Webster wrote urgently to Ellis, who was still the American minister in Mexico, directing him to demand the release of at least such American citizens as were only travellers or traders.[3] But the fears of ill-treatment on the part of the Mexican government led inevitably to suggestions from various quarters that Ellis should be replaced by a more efficient man. Early in the month of January, when the news first came, Senator Preston, of South Carolina, called on Webster and urged that the best and most effectual step in the case of the Santa Fe prisoners would be to send out Waddy Thompson, then a member of the House from South Carolina, in a frigate to Vera Cruz, armed with special instructions concerning the prisoners. Webster approved, and promised to speak to the President on the subject,[1] but it was not until the end of March that the appointment was actually made.

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[1] H. R. Docs. 19 and 158, 28 Cong., 2 sess.

[2] See Chapter XIX, above.

[3] Sen. Doc. 325, 27 Cong., 2 sess., 3-8.

Thompson had been long in Congress, where he was a leader among the Southern Whigs. He had been particularly conspicuous for his hostility to Adams, and for his advocacy, first of the recognition, and then of the annexation of Texas. The Texan minister, writing to his government with that contempt for conventionalities of orthography and punctuation which distinguished many statesmen of the republic, said of Thompson: "He has the character of being a bold fearless enerjetick man a warm friend of Texas."[2] He was indeed so very warm a friend that it might well have been doubted whether he would be regarded as *persona grata* to the Mexican government. Nevertheless, whatever unfavorable anticipations were formed, they were disappointed, and he proved an efficient and successful representative.

His instructions were dated April 5, 1842, and these were followed up after his departure by special instructions, dated April 15, 1842, in which the subject of the Santa Fe prisoners was discussed by Webster, who directed Thompson to make a rather peremptory demand upon the Mexican government.[3] But before the instructions of April 15 reached Mexico all the American citizens who were entitled to a release had been surrendered, and Thompson had no occasion to make the demand in the form directed.

The episode of the Santa Fe prisoners and the tone of definite hostility in American newspaper comments were not at all pleasing to the Mexican authorities, but they were still more incensed when news came of the strong feeling created in the United States by the capture of San Antonio in the month of March, 1842. The anger of Mexico at the popular expressions of sympathy in the United States was so intense as to induce the Minister of Foreign

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[1] Amory to Jones, Jan. 15, 1842; *Tex. Dip. Corr.*, I, 527.

[2] Reily to Jones, March 25, 1842; *ibid.*, 546.

[3] The instructions of April 5 are in Sen. Ex. Doc. 325, 27 Cong., 2 sess., 8–17; those of April 15 are printed in full in Webster's *Works*, VI, 427–440.

Relations to adopt the very unusual course of sending to the diplomatic corps resident in Mexico a circular setting forth the Mexican grievances. He complained that meetings had been held in the presence of American authorities, with the avowed purpose of assisting "the adventurers of Texas," that volunteers had been recruited and armed in the United States, and that "no other voice was heard but that of war with Mexico and of aid to Texas." The Mexican government, he said, had protested against such conduct, believing that the government of the United States "would cause its citizens to return to their duty"; but in spite of these protests "the aggressions made upon the territory of the republic were tolerated," contrary to the principles of the law of nations and the treaties between the two countries.[1]

Thompson, the American minister, at once replied by a circular expressing his astonishment and regret at the "extraordinary proceeding" of the Mexican government, denying any violation of treaties or the law of nations, and asserting that, on the contrary, the conduct of the United States had been "uniformly kind and forbearing." With respect to public meetings, Thompson had, of course, no difficulty in showing that the government of the United States could not interfere, and that the practice of both Great Britain and the United States was entirely opposed to restrictions upon freedom of speech. In the very week, he said, in which a meeting in favor of Texas, complained of by Bocanegra, was held in New Orleans another was held there in favor of a repeal of the Irish Union; while in Great Britain anti-slavery meetings were constantly held, "denouncing a large portion of our people and our institutions in language which, in comparison with that used in the public meetings toward Mexico, is the language of compliment."

The question as to enlistments in the United States was a more troublesome one to answer. Thompson asserted that the United States government had used "all the means in its power to prevent this," and had done what was required by the obligations of the law of nations and what good faith demanded. He showed that the laws of the United States only prohibited armed and organized expeditions; that emigration was not prohibited, and that if men left the country armed, and even if they announced their intention of joining the armies of Texas, the American government could not interfere so long as they did not constitute an organized military body.[1]

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[1] See text, page 5 of *Official Correspondence* between the United States and Mexico from May 12 to Sept. 10, 1842, in vol. 117 of *Political Pamphlets—American*, in Library of Congress. This pamphlet was printed and circulated by the Mexican legation in Washington.

Bocanegra, on July 6, 1842, sent another, and this time a very long, circular to the diplomatic corps, as a rejoinder to Thompson. The Mexican government, he said, did not deny the legality of public meetings to discuss domestic affairs, or even to criticise the policy of foreign nations. What it did object to were meetings for "the sole purpose of exciting citizens to arm and leave their country in order to usurp the territory and rights of a friendly nation." He admitted also that citizens of the United States might freely emigrate, but he asserted that this rule did not apply where the emigrants were armed and supplied with all the munitions of war—incorporated often into military companies regularly organized—with the never-concealed purpose of warring against a neighboring nation, and with a public promise of sharing the booty with the first usurpers.[2]

Before sending out his circulars Bocanegra had addressed two communications directly to Webster, which were dated, respectively, the twelfth and the thirty-first of May, 1842.[3] The first of these reached Washington on the twenty-ninth of June, and a week later Webster, with the cordial approbation of the President,[4] sent a reply, in which he refused to admit the slightest particle of justification for the Mexican complaints.

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[1] *Official Correspondence*, 7. Thompson in private did not take Bocanegra very seriously, and thought his utterances "gasconnade and intended for Mexico." And he very truly added that "whoever is at the head of this Government holds his power so insecurely that the Foreign Relations even of this country are conducted mainly with a view to domestick poleticks. . . . *Much is to be pardoned to the petulance of conscious weakness.*"—(Thompson to Webster, June 20, 1842; *State Dept. MSS.*)

[2] *Official Correspondence*, 19. [3] *Ibid.*, 2, 4; Webster's *Works*, VI, 442, 457.

[4] *Letters and Times of the Tylers*, II, 258.

> "M. de Bocanegra," said Webster, "would seem to represent, that, from 1835 to the present time, citizens of the United States, if not their Government, have been aiding rebels in Texas in arms against the lawful authority of Mexico. This is not a little extraordinary. Mexico may have chosen to consider, and may still choose to consider, Texas as having been at all times, since 1835, and as still continuing, a rebellious province; but the world has been obliged to take a very different view of the matter."

Texas, he continued, had shown as many signs of independence as Mexico, and quite as much stability of government. The United States had fairly endeavored to fulfil all neutral obligations; both Texas and Mexico stood on the same footing of friendly nations; and the transactions complained of by Bocanegra were only the natural consequences of the political relations existing between Texas and the United States. The American government encouraged trade, of course. To supply contraband of war was not contrary to international or municipal law, nor was emigration from the United States. The United States always had and always would pay attention to any violation of neutral duties. But it would not interfere with commerce or with free speech. And Webster closed with a stern note of warning.

> "M. de Bocanegra," he said, "is pleased to say, that, if war actually existed between the two countries, proceedings more hostile, on the part of the United States, could not have taken place, than have taken place, nor could the insurgents of Texas have obtained more effectual co-operation than they have obtained. This opinion, however hazardous to the discernment and just estimate of things of those who avow it, is yet abstract and theoretical, and, so far, harmless. The efficiency of American hostility to Mexico has never been tried; the government has no desire to try it. It would not disturb the peace for the sake of showing how erroneously M. de Bocanegra has reasoned; while, on the other hand, it trusts that a just hope may be entertained that Mexico will not inconsiderately and needlessly hasten into an experiment by which the truth or fallacy of his sentiments may be brought to an actual ascertainment. . . . If the peace of the two coun-

tries is to be disturbed, the responsibility will devolve on Mexico. She must be answerable for consequences. The United States, let it be again repeated, desire peace. . . . Yet no fear of a different state of things can be allowed to interrupt its course of equal and exact justice to all nations, nor to jostle it out of the constitutional orbit in which it revolves."[1]

Webster, a few days later, had an opportunity of still further emphasizing the attitude of the American government. The day after despatching the letter just referred to, Bocanegra's second letter, together with copies of his first circular to the diplomatic corps and a copy of Thompson's rejoinder, were received. Webster's instructions to Thompson upon this were lucid but warlike.

> "You will write a note," he said, "to M. de Bocanegra, in which you will say, that the Secretary of State of the United States, on the 9th of July, received his letter of the 31st of May; that the President of the United States considers the language and tone of that letter derogatory to the character of the United States, and highly offensive, as it imputes to their government a direct breach of faith; and that he directs that no other answer be given to it, than the declaration, that the conduct of the government of the United States, in regard to the war between Mexico and Texas, having been always hitherto governed by a strict and impartial regard to its neutral obligations, will not be changed or altered in any respect or in any degree. If for this the government of Mexico shall see fit to change the relations at present existing between the two countries, the responsibility remains with herself."[2]

Bocanegra was completely cowed by this outburst. Acknowledging receipt of Webster's views, he roared as gently as any sucking dove. He relied, he said, on Mr. Webster's assurance that the strictest neutrality was maintained in the existing contest between Mexico and Texas, and that he would leave without remark "the harshness of some of the expressions found in the instructions of his Excellency, Mr. Webster";[3] and here ended this correspondence.

Another letter of Webster's was occasioned by the last of the Mexican efforts to invade Texas, made in the month of September, 1842, when General Woll captured San Antonio by surprise, and carried away as prisoners the district judge, members of the bar, and other people of note in that part of Texas. President Houston, about four weeks later, caused identical notes to be sent to the American and British representatives in Texas, calling attention to the character of the warfare waged by Mexico. During the nearly seven years which had elapsed since the establishment of the independence of the republic, Mexico, he said, "although uniformly asserting the ability and determination to resubjugate the country, has never made a formidable effort to do so"; the three incursions made during the year 1842 "were petty marauding parties sent for the purpose of pillaging and harassing the weak and isolated settlements on our Western border . . . murdering the inhabitants in cold blood, or forcing them away into a loathsome, and too often fatal captivity"; and the Mexican government was exciting "the murderous tribes of hostile Indians who reside along our Northern border." He therefore called upon the United States and Great Britain to interpose their authority, and to require Mexico either to make peace or, if she continued to make war, to do so according to the rules established and recognized by civilized nations.[1]

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[1] Webster to Thompson, July 8, 1842; Webster's *Works*, VI, 445–457.
[2] Webster to Thompson, July 13, 1842; *ibid.*, 450.
[3] *Official Correspondence*, 38.

The subject was brought to the attention of Webster, first by a despatch from Eve, the American representative in Texas, and next by verbal and written communications from Van Zandt, the Texan minister, who had been accredited in the summer of 1842, but had only arrived at his post in the beginning of December.[2] Webster told Van Zandt that he had said to General Almonte, the Mexican minister,[3] two or three times, in "unequivocal yet respectful terms," that Mexico must cease the predatory warfare which she had lately pursued against Texas. And on January 31, 1843, he sent instructions to Thompson upon the subject, forwarding at the same time a long letter from Van Zandt.

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[1] Waples to Van Zandt, Oct. 20, 1842; *Tex. Dip. Corr.*, I, 609–611. Lester's *Sam Houston and His Republic*, 163.

[2] Van Zandt to Terrell, Dec. 7, 1842; *Tex. Dip. Corr.*, I, 613.

[3] Almonte, who had been on Santa Anna's staff at San Jacinto, and had shared his leader's subsequent captivity, had come to Washington as minister from Mexico in the autumn of 1842.

> "This department," said Webster, "entirely concurs in the opinion of Mr. Van Zandt, that practices such as these are not justifiable or sanctioned by the modern law of nations. You will take occasion to converse with the Mexican Secretary, in a friendly manner, and represent to him how greatly it would contribute to the advantage as well as the honor of Mexico, to abstain altogether from predatory incursions, and other similar modes of warfare. Mexico has an undoubted right to resubjugate Texas, if she can, so far as other States are concerned, by the common and lawful means of war. But other States are interested—and especially the United States, a near neighbor to both parties, are interested—not only in the restoration of peace between them, but also in the manner in which the war shall be conducted, if it shall continue."[1]

Thompson did not have much success in his attempt to induce the Mexican government to modify its methods of making war. He reported that, in obedience to Webster's instructions, he had verbally presented the views of the American government to Bocanegra.

> "He replied, (very much excited), that Mexico did not regard Texas as an independent power, but as a rebellious province; and that prisoners taken were not entitled to any of the privileges of prisoners of war, but that they were rebels, and would be so treated; and that no suggestions on the subject from other governments would be received or listened to."[2]

But Bocanegra's excitement and defiant attitude were due not so much to the presentation of the subject of Thompson's instructions as to the fact that he was just then dealing with the prisoners of the Mier expedition, and also that he was still vexed at a very absurd affair which had brought American and Mexican officers into collision on the distant shores of California.

Bocanegra had only himself to blame for the origin of the latter affair. His circulars to the diplomatic corps in the spring and summer of 1842 had been published by him in full in the Mexican newspapers, and in the course of time had reached John Parrott, the American consul at Mazatlan. On June 22, 1842, Parrott sent a copy of a Mexican newspaper, containing some of Bocanegra's eloquent prose, to Commodore Jones, of the United States navy, who was then in command of a small squadron on the west coast of South America, and at the same time expressed the opinion that diplomatic relations might soon be broken off, as the American minister had been "forcing very hard our claims on this country."[1]

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[1] Webster to Thompson, Jan. 31, 1843; H. R. Doc. 271, 28 Cong., 1 sess., 69.

[2] Thompson to Webster, March 14, 1843; *ibid.*, 71.

Parrott's letter was received by Jones at Callao during the first week in September, and the same vessel brought him the first news he had had from the United States since he left there the previous December.[2] He knew nothing of any trouble with Mexico, but he was well aware that the relations between the United States and Great Britain were threatening, and he had been keeping an eye upon the British squadron, which was also lying at Callao, and which was slightly superior in force to his own.

It so happened that by the same mail which brought him Parrott's letter Jones received a cutting from a Boston newspaper, reporting that Mexico was about to cede California to Great Britain in payment of the British debt. This, of course, was a mere blunder, based on the proposal made by Mexico to give bondholders grants of land in payment for their bonds; but the sudden departure of the British squadron from Callao within twenty-four hours after Jones's receipt of the Boston and Mexican newspapers and the letter from Parrott, gave him food for thought.

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[1] Parrott to Jones, June 22, 1842; H. R. Doc. 166, 27 Cong., 3 sess., 86. Parrott was not alone in thinking war likely. At about the same time President Tyler told the Texan minister in Washington that "he did not see how a war between the United States and Mexico could be avoided."—(Reily to Jones, July 11, 1842; *Tex. Dip. Corr.*, I, 567.) Webster thought Bocanegra's circulars so extraordinary that they must have been prompted by some other reason than that which appeared on their face—probably to find a way to avoid paying the awards of the arbitrators.—(Webster to Thompson, July 9, 1842; *Webster's Private Corr.*, II, 136.)

[2] All the news he received was unofficial. He had not had "a scrip of a pen" from the Navy Department since his sailing orders of Dec. 10, 1841.—(Jones to Upshur, Sept. 13, 1842; H. R. Doc. 166, 27 Cong., 3 sess., 68.)

After consulting the American minister in Chili Jones concluded that it was his duty to take steps to forestall any attempt by Great Britain to take possession of California; and to take possession of it himself in behalf of the United States if, as he thought likely, Mexico and the United States were by this time actually at war. On Wednesday afternoon, the seventh of September, therefore, Jones set sail from Callao with two of his vessels, the frigate *United States* and the sloop of war *Cyane*, both relics of the War of 1812. At daybreak on Wednesday, the nineteenth of October, the two ships were close to Monterey, and a Mexican bark was boarded, the master of which professed ignorance of any trouble between Mexico and the United States. That same afternoon the vessels anchored in the bay, as close to the "castle" of Monterey as the depth of water would allow. There was no British squadron in the harbor, and no sign of anything but profound peace.

At first nobody paid any attention to the American ships, and Jones impatiently waited for some communication from the shore. At length two Mexican officers came off, who also denied having heard of any difficulties between Mexico and the United States. The ship *Fame*, of Boston, which was at anchor near by, was visited, but her people knew nothing definite. However, they had recently come from the Sandwich Islands, and there they had heard rumors of war, and also a report that England was to take possession of Upper California and guarantee Lower California to Mexico.

What was Jones to do? Up to this point his acts had been above criticism. He was fully justified, with the information he possessed, in going to California with his ships, prepared to act according to the facts he discovered on arrival; but he was evidently bound, before he acted, to be very sure what the facts actually were. Unfortunately for him, the abundant leisure of a six weeks' passage from Callao had permitted him to prepare elaborate plans for a *coup de* *théâtre.* In the first place, he had composed a proclamation which he could not willingly let die. Also he had issued an address to his crews, enjoining in moving terms the duty of moderation in the hour of victory. He must have felt that it would have been a tame ending indeed if, upon arrival, there was to be no war with anybody.

In this frame of mind, the very absence of definite information and the assertions of the people from the shore that they knew of no difficulties seemed to Jones suspicious—especially as he saw, or thought he saw, some stir on shore near the fort. He imagined that there was "trepidation manifest in the deportment" of the men who came off from the village, which he interpreted as due to an endeavor to conceal the facts. Upon these trifles he came to the decision, after he had been an hour at anchor, to send one of his captains on shore with a solemn written demand for the surrender of the place "in the name of the United States of America, and with the earnest desire to avoid the sacrifice of human life and the horrors of war." Nobody on shore, however, had the slightest idea of sacrificing their lives or of doing anything but surrender as fast as possible. The little castle of Monterey was in the usual condition of Mexican forts. Its eleven guns could not be fired; there was no ammunition; there were only twenty-nine soldiers in the place, and the Mexicans were only too eager to accede to Jones's demand before harm came of it—a good deal to Jones's surprise, and perhaps to his annoyance.

On Thursday morning, as soon as his landing party was in possession of the fort, Jones issued to "the inhabitants of the two Californias" a high-flown proclamation, which he had carefully prepared while at sea. "Although I come in arms, . . ." the proclamation ran, "I come not to spread desolation among California's peaceful inhabitants. It is against the armed enemies of my country, banded and arrayed under the flag of Mexico, that war and its dread consequences will be enforced," and so on.[1]

This ridiculous paper threw a touch of absurdity over the whole proceeding, which Jones himself probably never quite appreciated; but it very soon began to dawn upon him that, although it was very proper to visit the coast of California, he had been extremely imprudent in taking actual possession of Mexican territory without any more knowledge than that which he possessed. On the evening he arrived, and on the next day, he had a good deal of conversation with Thomas O. Larkin, an American shopkeeper, who had been living for ten years in Monterey. Larkin, who was a sensible man, assured the commodore that the rumors of war between Mexico and the United States and of the cession of California to Great Britain were quite unfounded. He thought there were late advices to that effect on shore, and after some coming and going he succeeded in finding in the village a newspaper from the city of Mexico, of a date as recent as August 4, and a private letter from Mazatlan as late as August 22, which satisfied Jones upon these points. On the following afternoon, Friday, October 21, Jones therefore re-embarked the landing party, which had been in possession of the fort since the previous morning, hauled down the American flag, and hoisted and saluted the Mexican. Two days before, in his proclamation to the inhabitants, he had declared that "those stars and stripes, infallible emblems of civil liberty, . . . henceforth and forever will give protection and security to you, to your children, and to unborn countless thousands."

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[1] H. R. Doc. 166, 27 Cong., 3 sess., 79.

Jones's absurdities, however, were more than matched by the absurdities of General Micheltorena, of the Mexican army, who had recently come to California with a command of about three hundred men. This warrior, when he received an account of the seizure of Monterey, was encamped with his men about twenty miles north of Los Angeles, having left that place two days before on his way to Monterey. He at once wrote letters to the various Mexican commandants in different parts of California, to the effect that he could not "fly to the assistance of Monterey," for he could not think of leaving Los Angeles undefended. He did not fear an attack, but he thought that all the inhabitants ought to participate in the pleasure of victory, and therefore he directed that the patriotism of all who were able to bear arms should be "excited" by threats of losing their property and being declared unworthy of the name of Mexicans, and enemies to the country, if they failed in their duty. To the commandant at Santa Barbara he wrote that he was about to establish his head-quarters at Los Angeles, and wished all the arms and ammunition then at San Pedro sent to him.[1]

It is doubtful whether Micheltorena's men left their camp at all; and if they did, they marched *away* from their enemy —that is, back to Los Angeles. But at any rate it is certain that on the very next day he received a letter from Commodore Jones, who announced that he had withdrawn his forces from Monterey. Micheltorena at once replied, stating that he would now suspend the hostile march he had undertaken; that some further satisfaction than a mere salute was necessary to satisfy "the multitude of persons now surrounding me"; and that he wished a conference with Jones at Los Angeles or San Pedro.[2]

In Micheltorena's official report his own energy and the valor of his troops were loudly proclaimed. He declared that on the morning after receiving news of Jones's seizure of Monterey he had started with his troops to attack the invaders. "We thus marched for two hours during which my soul was wrapt in ecstasies at the flattering prospect of a speedy and certain victory," when another messenger had brought news of the evacuation of Monterey by the American forces, and he had immediately written an insulting letter to Jones, a copy of which he enclosed. He also said that he expected shortly to induce Jones to sign an agreement containing an apology and a promise of indemnity.[3] It is perhaps unnecessary to say that Jones refused to sign any agreement, on the correct ground that this was a matter for the two governments to adjust.

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[1] Micheltorena to Vallejo, H. R. Doc. 166, 27 Cong., 3 sess., 26; same to Alvarado, *ibid.*, 25; same to Arguello, *ibid.*, 24. All the above are dated Oct. 25, 1842.

[2] Micheltorena to Jones, Oct. 26, 1842; *ibid.*, 35.

[3] Micheltorena to Mendivil, Nov., 1842; *ibid.*, 18.

The Mexican government caused Micheltorena's report to be published in the *Diario del Gobierno* of December 14, and on December 19 Bocanegra wrote to the American minister calling attention to the seizure of Monterey, "the greatest outrage that can be committed against an independent and sovereign nation," and demanding reparation and satisfaction, besides indemnity for losses.[1] Thompson replied, acknowledging receipt of Bocanegra's note.

> "The surprise and regret of your Excellency cannot have exceeded what has been experienced by the undersigned, who takes great pleasure in assuring your Excellency that these acts of the American commander were wholly unauthorized by any orders from his government and that the fullest disclaimer to that effect will be promptly made by the government of the undersigned, with whatever other reparation is due to the honor of Mexico, and which is not incompatible with that of the United States."

But Thompson also pointed out that the Mexican government was in a measure to blame, inasmuch as the harsh and menacing tone of Bocanegra's papers, published in the previous spring, at a time when the United States was believed to be on the verge of war with Great Britain, might well have furnished additional ground for the opinion on which Commodore Jones acted. He stated also that the letter which Micheltorena represented himself as having written to Commodore Jones had never been received by the latter, and undoubtedly had never been really sent, and he expressed the opinion that Micheltorena's coarse and abusive language deserved rebuke.[2] Thompson's communication was enough for the Mexican government, in whose ears Webster's vigorous language was still ringing; and on January 7, 1843, the *Diario del Gobierno* officially announced that everything had been satisfactorily settled.[3]

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[1] *Ibid.*, 9 *et seq.*

[2] *Ibid.*, 12. Thompson's note was based upon information verbally given by one of Commodore Jones's officers, who passed through Mexico at this time with despatches for the Navy Department.

[3] *Ibid.*, 16.

Rumors of these events arrived in Washington in January, 1843, during the expiring session of the Whig Congress. Webster at once wrote to Thompson, without waiting for official information, instructing him to state to the Mexican government that Commodore Jones had no warrant from the American government for his proceeding, and that the President exceedingly regretted the occurrence. This was followed by a somewhat acrimonious discussion between Webster and General Almonte, the Mexican minister. Almonte thought that an apology and expression of regret from the United States for this unprecedented outrage ("*inaudito atentado*") was not sufficient, and that the United States should promise that Jones would be "exemplarily" punished. The President and Webster, however, both agreed that Almonte went too far when he asked for punishment, and Webster wrote that while Jones was no doubt mistaken, he had not intended any affront to the government of Mexico, and that "some allowance may be properly extended toward acts of indiscretion in a quarter so very remote." Almonte replied, not very temperately, that the promise in regard to Jones's punishment was too vague; but Webster suggested to the President that no further answer should be given to Almonte except by sending the correspondence to Congress.[1]

In Congress a resolution had been adopted on the second of February, on the initiative of ex-President Adams, calling for information as to the authority or instructions under which Commodore Jones had invaded the territories of the Mexican republic; and accordingly, on February 18, the President sent a message stating that Jones's proceedings were "entirely of his own authority, and not in consequence of any orders or instructions, of any kind, given to him by the government of the United States. For that proceeding he has been recalled." The opponents of the administration used some violent language, and tried to prove that Jones's act was part of a plan to stir up difficulties with Mexico and to annex California; but the evidence was too strong for them. There can be no doubt that the President's statement was exactly true. It need only be added that Jones was not punished further than by being relieved from his command. He returned home pursuant to orders, in the latter part of 1844, and was then informed by the Secretary of the Navy that his zeal in the service of his country and his devotion to what he had deemed his duty entitled him to anything but censure. In later years he again commanded the Pacific squadron.[1]

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[1] *Ibid.*, 3-8.

With this incident Webster's dealings with Mexico came to an end. On the eighth of May, 1843, he resigned the office of Secretary of State, which he had held for a little more than two years. The great task of settling the controversies with Great Britain, with the single exception of the dispute over Oregon, had now been completely finished. The Senate, by a nearly unanimous vote, had consented to the ratification of the treaty of Washington, and the House of Commons in England had voted down a vicious protest from Lord Palmerston. But, on the other hand, Mexican affairs were in a much worse condition than when Webster took office. Under Van Buren's administration the relations of the United States with that country had been put upon a footing which was correct even if not exactly friendly. But since the Whigs came in, threats of war on both sides had been uttered, and in spite of efforts made by the ministers of both countries feeling was steadily becoming embittered. It is not to be supposed, however, that this increased ill-feeling was due to anything done or omitted by the Whig administration. On the contrary, the whole course of events can be traced, with a certainty quite unusual in history, to the preposterous attempt of the Texans to invade New Mexico.

Webster's departure from the cabinet was due, of course, to the fact that he had never been in full sympathy with the President or the other members of the administration.

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[1] Bancroft, *Hist. of California*, IV, 330–350, gives a number of details concerning Jones and his seizure of Monterey—largely derived from personal recollections of old inhabitants—which supplement the official reports.

In particular, he stood alone in opposing the policy of annexing Texas. However, he and President Tyler parted with mutual and evidently sincere expressions of confidence and good-will.

CHAPTER XXI

EFFORTS AT MEDIATION

General Houston, as we have seen, had begun his second term as President of Texas in December, 1841, and had immediately reversed the policy of his predecessor in regard to finance. He had also adopted a foreign policy which was in many respects different, for Houston was a man who believed in the gods of things as they are, and he clearly perceived the utter inability of Texas to maintain itself permanently in its detached condition. Indeed, he went so far as habitually to exaggerate the possibility of Mexican invasion. His first desire had been for annexation to the United States; but he was quite prepared, when that seemed to be impracticable, to adopt any other measure which might put Texas in a position to exist and prosper. The only other measure which could give Texas the security she so sorely needed was peace with Mexico. The policy of President Lamar, as has been seen, was strongly against annexation, and it had also been generally aggressive; but some ineffectual efforts had been made to bring about peace, both by means of direct negotiation with Mexico and through the good offices of the United States and other foreign nations. And in order to get a clear apprehension of the problems with which Texas was faced at the end of the year 1841 it is necessary to go back for a period of nearly three years and examine into what had been attempted in that regard.

The first serious effort to open negotiations, after the repudiation of the agreements made with Santa Anna while he remained a prisoner in Texas, was in the spring of 1839. About that time President Lamar received a curiously distorted report that Santa Anna had placed himself at the head of the Federal party, and was likely to succeed in carrying out their plans. The fact, of course, was exactly the reverse; but the erroneous rumor led the Texan government to think that this might be an opportune moment for trying to get Santa Anna to carry out the promises he had made in Texas some three years before. Accordingly, Colonel Barnard E. Bee was sent to Vera Cruz, where he arrived on the eighth of May, 1839. He was there notified that if he had no other object in coming to Mexico than that of soliciting the recognition of the independence of Texas he must depart at once, which he did, after publishing a sort of manifesto, in which he reviewed Santa Anna's promises and treaties, and asserted that Santa Anna had *not* acted in Texas under duress. The official newspaper in Mexico printed this statement of Bee's as a conclusive proof of the patriotism of the hero of Tampico and Vera Cruz![1]

The British government, at about the same time, was quite independently expressing its willingness to mediate between Mexico and Texas, although the independence of the latter had not yet been fully recognized. In the same month of May, 1839, Pakenham, the British minister in Mexico (who had just returned from a visit to England on leave), had an interview with Gorostiza—at that time Minister of Foreign Relations—which was fully reported to the British Foreign Office. In pursuance of verbal instructions from Lord Palmerston, Pakenham had urged upon Gorostiza the importance of a prompt negotiation for Texan independence, laying stress upon the advantages to Mexico of a buffer state between it and the United States, and, according to Pakenham, Gorostiza said frankly that although he agreed perfectly as to the importance of such an arrangement the Mexican government dared not risk so unpopular an act, but hinted that a suggestion from England for a suspension of hostilities might prove advisable. He also said that Mexico would never consent to the Rio Grande as the boundary, and that if a boundary were ever fixed "it would be desirable to have it guaranteed by some powerful European government"; but Pakenham assured him that no European power would be willing to undertake that responsibility. And Pakenham summed up the result of his interview with Gorostiza by the statement that "reconquest is admitted to be impossible, and yet a feeling of mistaken pride, foolishly called regard for the National honour, deters the [Mexican] Government from putting an end to a state of things highly prejudicial to the interests of Texas and attended with no sort of an advantage to this Country." [1]

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[1] *México á través de los Siglos*, IV, 442. Bee's own account of his mission will be found in *Tex. Dip. Corr.*, II, 432–456.

Pakenham's efforts were approved by Palmerston, who wrote to him at length, nearly a year later, arguing the impossibility of a reconquest of Texas and expressing the opinion that Mexico would do better to exert her energy in rendering productive other portions of her vast and undeveloped territory. Palmerston also argued that Texas ought to be recognized by Mexico at once, since otherwise the Texan people "might throw themselves upon the United States for assistance, and their final incorporation with the Union might be a consequence of temporary co-operation." [2]

Long before these instructions reached Mexico Gorostiza had been succeeded in the Mexican Foreign Office by Cañedo, who, as Pakenham reported, acknowledged the strength of the British arguments, and expressed himself as ready to take the risk of accepting the British offer of mediation if his colleagues would support him; but he asked Pakenham not to press the matter until the new ministry had become more firmly established. [3]

While these conversations were going on in Mexico, Bee, the Texan agent sent to Vera Cruz, had returned to New Orleans, and had got into communication with a certain Juan Vitalba, who represented himself to be a secret agent of the Mexican government. Bee seems to have been very much such a person as James Hamilton, and he wrote to Texas that, no matter who was at the head of the Mexican government, it could only be approached in one way.

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[1] Pakenham to Palmerston, June 3, 1839; E. D. Adams, *British Interests and Activities in Texas*, 28.

[2] Palmerston to Pakenham, April 25, 1840; *ibid.*, 30.

[3] Pakenham to Palmerston, Sept. 12, 1839; *ibid.*, 32. Between April, 1837, and March, 1839, there were twelve changes in the Mexican Ministry of Foreign Relations. The entire cabinet was renewed on July 27, 1839.—(Bancroft, *History of Mexico*, V, 217, *note*.) Cañedo was always personally of the opinion that it would be far better for Mexico to give up the idea of conquering Texas. He wrote a long article to this effect, which was published in Mexico on January 15, 1844, in the *Revista Económica*, etc. A copy of this article was sent to the State Department in Washington, shortly after its publication, by the American minister in Mexico, and is filed with the despatches.

> "The truth is," he said, "the officers of Gov't are only waiting for their *fee* to commence operations. I was aware of this at Vera Cruz but I was solicitous of breaking ground without it—fully sensible however that as I progressed the way would have to be paved with gold. The Presidents best plan is to make up his mind to this at once. . . . My impression is that he will have to spend from Five Hundred thous'd to a million in this way." [1]

A few days later he wrote that what was needed was to assure the Mexican agents that "we will not be wanting in making them ample compensation." "I wish," he added, "to give the Individual here a *doceur*, and I am desirous of sending an officer of their Go't a handsome carriage from this place." [2]

In the meantime James Hamilton, who had just then been appointed financial agent to place the Texan bonds, was taking a hand in the business. On May 20, 1839, he had an interview with Fox, the British minister in Washington, and later sent him a statement "in relation to the advantages which might result to Great Britain from the mediatorial offices of Her Britanic Majesty's Minister Mr. Pakenham at Mexico." Fox promised to write, in due course, to Pakenham and Lord Palmerston.[3] At the same time Hamilton was in communication with Poinsett, then Secretary of War, and induced him to talk with

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[1] Bee to Webb, July 9, 1839; *Tex. Dip. Corr.*, II, 460.

[2] Same to same, July 9, 1839; *ibid.*, 463. That Lamar was not at all averse to bribery appears from a letter in which he authorised the expenditure of not more than fifty thousand dollars "as secret service Money in procuring the recognition of Texas."—(Burnet to Hamilton, Aug. 19, 1839; *ibid.*, 873.)

[3] Hamilton to Fox, May 20, 1839; Fox to Hamilton, May 22, 1839; *ibid.*, 867–871.

Martinez, the Mexican minister in Washington.[1] Late in the year Hamilton went to Texas, and on his way, at New Orleans, he wrote direct to Pakenham, who replied that he had not heard from Fox, but had received instructions from Lord Palmerston to tender the good offices of her Majesty's government toward effecting an arrangement between Mexico and Texas. He regretted to say that all his exertions to induce the Mexican government to entertain the question of recognition had proved unavailing.

> "Not," he wrote, "but that the more enlightened Members of the present Administration appear to understand that to continue the contest with Texas would be worse than useless, but there is no man among them bold enough to confront the popular opinion, or, I should rather say the popular prejudice upon this point, which is strongly pronounced against any accommodation with Texas. Besides which they fear, and not without reason, that, for the sake of Party objects, an attempt would dishonestly be made to crush by the unpopularity which would, very certainly, attend such a measure, any Government which should be bold enough to advocate the policy of alienating what is still talked of as a part of the National Territory. . . . You are, I dare say, sufficiently acquainted with the Spanish character to understand how untractable they, and their descendants likewise, are in matters affecting their pride and what they are pleased to call their National honor."[2]

Before this letter was written the indefatigable Hamilton had informed the Texan administration that there was a gentleman in New York named Treat, a cordial friend of Texas, who had been many years in Mexico, and was intimately acquainted with Santa Anna, and who corresponded with a close friend of the Mexican President. Treat, said Hamilton, had received several letters in which this friend represented that he was amply empowered by Santa Anna to conclude the secret articles of a pacification; and Hamilton hoped that Treat might be induced to go to New Orleans to see what could be done.[3] Treat's correspondent seems to have been the same Vitalba who was trying to get money out of Bee in New Orleans.[1]

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[1] Poinsett to Hamilton, May 31, 1839; *ibid.*, 452.
[2] Pakenham to Hamilton, Dec. 12, 1839; *ibid.*, 879.
[3] Hamilton to Lamar, June 22, 1839; *ibid.*, 450.

Treat went to New Orleans, and from there to Texas, and on August 9, 1839, was appointed "a Private and Confidential Agent for the Government of Texas for the purpose of ascertaining the disposition of the Government of Mexico in regard to a negotiation of a peace between the two Nations, and if practicable to prepare the initiatory arrangements for such a negotiation." Recognition of Texas and the Rio Grande as the boundary were to be indispensable conditions, but Texas was willing to pay Mexico a sum not exceeding five million dollars as a compensation for her relinquishment for all claims, public and private, to the territory within these limits.[2]

The Texan agent arrived in the city of Mexico December 11, 1839, and, after some unsuccessful efforts to reach the Mexican authorities directly, he put himself in relations with Pakenham, who wrote home that he was impressed by Treat's intelligence, good sense, and knowledge of the language and customs of Mexico; that he had induced Cañedo to receive Treat unofficially; and that Cañedo had expressed himself as being personally much inclined to favor the concession of Texan independence.[3] But it was evident to Pakenham and everybody else that the political difficulties in Cañedo's way were very serious, inasmuch as Bustamante's government was now existing simply at the sufferance of Santa Anna, and was therefore much too weak to undertake an unpopular foreign policy. Nevertheless, after a good deal of discussion, the matter was laid before the council of state with the hope of inducing them to advise Congress to grant authority to the government to make some sort of arrangement with Texas.[1] But Gorostiza was an influential member of the council, and in spite of his former assurances to Pakenham he strongly opposed the proposal, and disapproved "of any accommodation with Texas as an independent country," so that in the end the council referred the whole matter to Congress without a recommendation.[2]

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[1] Same to same, June 28, 1839; *ibid.*, 453. Hamilton also wrote that he had received "an intimation from a respectable Quarter that if he would see the Mexican Minister in the United States or write to him privately he would receive a pretty unequivocal assurance that Mexico was prepared to accept the mediation of the United States." "The respectable Quarter" was probably Poinsett, but it is incredible that he should have made such a statement as Hamilton said he had made.

[2] Burnet to Treat, Aug. 9, 1839; *ibid.*, 470.

[3] Pakenham to Palmerston, Feb. 9, 1840; E. D. Adams, 41.

The result, which might easily have been foreseen, was that members of Congress loudly proclaimed the greatest indignation at any suggestion of a settlement, and the government quietly dropped the matter, although Cañedo assured Treat that a committee of Congress was occupied with a report on the subject, and that the government would "accelerate all it could." [3]

Subsequently Treat endeavored to effect an arrangement under which a truce for one, two, or three years should be agreed upon, terminable on six months' notice by either party; but to this proposal the Mexican government replied by a simple refusal to enter into any negotiation whatever that was not based upon a recognition of Mexican sovereignty over Texas; although Pakenham urged them to adopt the Texan proposal, and indeed expressed himself as thinking that it ought to be considered by the Mexican government "as quite a Godsend." [4] In reporting to the British government the failure of these efforts Pakenham dwelt upon "the obstinacy and infatuation" of the Mexicans and "the pusillanimous fear of responsibility which has influenced the conduct of the Mexican Government throughout the whole affair." [5] Shortly afterward Treat left Mexico, and died on board ship on his return journey.[6]

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[1] Treat to Lamar, May 7, 1840; *Tex. Dip. Corr.*, II, 634. Pakenham to Palmerston, May 18, 1840; E. D. Adams, 43.

[2] Treat to Lamar, May 28 and June 6, 1840; *Tex. Dip. Corr.*, II, 636-641. Pakenham to Palmerston, July 5, 1840; E. D. Adams, 44.

[3] Treat to Lipscomb, Sept. 7, 1840; *Tex. Dip. Corr.*, II, 697.

[4] Pakenham to Palmerston, Oct. 7, 1840; E. D. Adams, 46. Cañedo to Pakenham, Sept. 26, 1840; Pakenham to Treat, Sept. 29, 1840; *Tex. Dip. Corr.*, II, 723-725.

[5] Pakenham to Palmerston, Oct. 26, 1840; E. D. Adams, 48.

[6] Pakenham wrote to Treat on October 14, 1840, regretting "the failure of our joint labours to bring about a friendly understanding between Texas and

In the spring of 1841 Lamar's administration very unadvisedly renewed their efforts by sending to Mexico Judge Webb, at one time Secretary of State of Texas, but again without result. Webb was even refused permission to land at Vera Cruz, although Pakenham did his best to get the Mexican Foreign Office to consider the subject.[1] The refusal was, of course, due to the continued existence of the same causes that had formerly influenced the foreign policy of the Mexican government. Bustamante's administration was still in power, but the time was evidently close at hand when they would have serious difficulty in sustaining themselves, and they could not afford to take any added chances of public dissatisfaction.

When Webb's failure became public Hamilton and Bee saw their opportunity to meddle again in the affair, although by the time they resumed their activities Lamar was out of office and Houston had become President of Texas. They both wrote to Santa Anna on the subject, Hamilton proposing that "if a treaty of peace and limitations could be made Texas would pay five million dollars which I can place in London for this object, within three weeks after receipt of the agreement, together with two hundred thousand dollars which will be secretly placed at the disposal of the Agents of the Mexican Government." [2] Santa Anna replied to Bee with an angry reference to the Santa Fe expedition, and to Hamilton with a virtuous outburst, declaring that his offer of a bribe was "an insult and an infamy unworthy of a gentleman." [3]

Mexico," and expressing the opinion that "every thing that zeal and ability could suggest as likely to lead to a favourable issue has been done by you," and that he had failed only because success, under the existing circumstances, was impossible. Nothing, Pakenham believed, would be gained, under these circumstances, by further overtures to the Mexican government.—(*Tex. Dip. Corr.*, II, 726, 727.) This estimate of Treat's conduct does not seem at all excessive.

[1] Pakenham to Palmerston, June 10, 1841; E. D. Adams, 64. Mayfield to Webb, March 22, 1841; Webb to Mayfield, June 29, 1841, etc.; *Tex. Dip. Corr.*, II, 732, 751–766.

[2] Bee to Santa Anna, Dec. 27, 1841; Hamilton to Santa Anna, Jan. 13, 1842; Niles's *Reg.*, LXII, 49–50.

[3] Santa Anna to Bee, Feb. 6, 1842; Santa Anna to Hamilton, Feb. 18, 1842; *ibid.*, 50.

Santa Anna was so pleased with this correspondence that he caused it to be published, and it was replied to in a fiery letter from Houston, in which he disavowed entirely the actions of Bee and Hamilton, asserted that Texas would make war against Mexico, and wound up with a high-flown paragraph declaring that "ere the banner of Mexico shall triumphantly float on the banks of the Sabine the Texan standard of the Single Star, borne by the Anglo-Saxon race, shall display its bright folds in Liberty's triumph on the Isthmus of Darien."[1] With this exchange of compliments the efforts at direct negotiation between Texas and Mexico came to an end.

Mediation by the United States had also been tried, but, as might have been foreseen, had not been accepted. In May, 1839, Forsyth, at the request of the Texan government, verbally offered mediation to the Mexican minister in Washington, an offer which the latter promised to transmit to his government, but from which nothing ever came.[2]

When, therefore, Houston began his second term as President, the foreign affairs of the country were in serious confusion. Mexico had repeatedly declined to receive any Texan representatives; attempts at mediation, both by the United States and Great Britain, had failed, and the formal recognition of Texas by Great Britain was incomplete, because the ratification of the three treaties signed more than a year before was still delayed by the non-action of the Texan Senate. Forsyth, as Van Buren's Secretary of State, had very definitely refused to consider the Texan proposals for annexation, and there seemed to be no prospect under Webster of any change in the attitude of the American government. Mexico, on her part, still continued to threaten invasion, and if she ever could carry out her threats and make a real effort to conquer Texas, the latter country was without money or credit or supplies with which to meet the invaders. It was therefore natural and indeed inevitable that Texas should do its best to strengthen its position with the European courts, and especially with Great Britain, whose influence with Mexico seemed greater than that of any other power.

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[1] Houston to Santa Anna, March 21, 1842; Yoakum, II, 544–558.

[2] Dunlap to Lamar, May 16, 1839; *Tex. Dip. Corr.*, I, 383.

Houston was subsequently credited with profound calculation in his conduct of the foreign policy of Texas, and he was very ready to admit his own astuteness in this regard; but the reasons for the erratic course he pursued seem to lie on the surface. His rather rough and primitive nature was no better adapted to conspiracy and intrigue than that of Andrew Jackson, and the simplest explanation of his conduct is also the most probable. He seems to have believed at the time that the best thing that could happen to Texas would be annexation to the United States; but as that appeared to be out of the question, and as he was convinced that peace with Mexico was essential to the prosperity, if not the very existence, of Texas, he was ready to promise almost anything in order to attain that end. But he could not always carry his constituents with him, for the people of Texas never seriously wavered in their hope and desire for annexation. The dream of a separate existence was never popular with the voters.

Houston evidently did not consider that in appealing to European powers for help to secure peace he was giving up his hopes of ultimate annexation. He considered, rather, that he was merely trying to find out what were the best terms he could get; but he was quite prepared to accept even onerous conditions if they were essential to the accomplishment of the great purpose he always had in view, namely, a secure peace. Peace at almost any price was in truth the key-note to Houston's policy; but he pursued his object without any well-defined plan of action, and without any clear understanding of the difficulties in the way. He was constantly dominated by a nervous dread of invasion, and he was forever being spurred by the rumors from the border into a desire to raise some new barrier against the Mexican peril. The result was a perpetual vacillation. This vacillation served to perplex observers; but in reality it was not at all mysterious, for it was precisely of a piece with his uncertainties and changes of plan in the San Jacinto campaign, where all his movements were the results of sudden impulses acting upon a strong but emotional and undisciplined mind, and which ended in his becoming the follower, rather than the leader, of a loudly expressed public opinion.

The foreign situation was never free from uncertainties, but at the moment of his accession to office the most promising line of effort seemed to Houston to be an appeal to both Great Britain and France. In the United States, President Tyler was in the very height of his quarrel with his own party, and it was quite apparent that whatever foreign policy he might propose was little likely to be accepted by the Senate. There was, moreover, an apparent probability of war between Great Britain and the United States, so that the latter country would certainly be cautious about adding to its foreign complications.

Political conditions in Great Britain had recently undergone very material changes. When the three treaties with Texas were signed in November, 1840, the Whig administration of Lord Melbourne was still dragging out a precarious existence, and Lord Palmerston, as Secretary for Foreign Affairs, was still managing, unchecked, the external policy of the British Empire. Neither the young Queen, nor the easy-going Prime Minister, nor his other colleagues in the cabinet, were able to control the masterful disposition of the Foreign Secretary. He believed in pressing British demands with a high hand and a rude manner, and in never giving way or making concessions. In particular, he was opposed to any appearance of weakness in dealing with France or the United States, and he favored everything that seemed calculated to diminish the strength or prestige of either. Had he continued in power, he might very well have brought about a renewal of the American and French war of 1778—a possibility he of course disclaimed, but which he seems to have looked forward to without dismay.[1]

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[1] "He said we might hold any language we pleased to France and America, and insist on what we thought necessary without any apprehension that either

However, Palmerston was obliged to leave his office not long before Lamar laid down his, for Melbourne, after repeated defeats in the House of Commons, found himself compelled to dissolve Parliament; the Conservative party carried the elections, and at the end of the summer of 1841 Sir Robert Peel was placed at the head of the government, with a majority of nearly a hundred in the House of Commons and a safe and steady majority in the Lords.[1] With this strong support in Parliament the new administration could afford to dispense with bluster in its foreign affairs, and could venture to make such concessions as it thought reasonable to secure peace and promote British interests. Having such a policy in view, Peel intrusted the Foreign Office to the moderate and conciliatory Lord Aberdeen, whose first and most difficult task was to undo much of Palmerston's work, and to endeavor to create friendly relations with France and America. The history of his complicated, vexatious, but successful negotiations with the French government fall outside the scope of this history, and it has been already seen that under his guidance the most threatening questions between the United States and Great Britain were settled by the compromises of the Webster-Ashburton treaty. In a later chapter it will be seen how the northwestern boundary question was also disposed of by mutual concession.

Lord Aberdeen at first gave himself little concern about the affairs of Texas. The affairs of Texas were indeed a very minor matter in the widely extended and complicated foreign interests of the British Empire; but so far as British policy concerned itself with them at all it rested on a few clear and definite principles. Peel's government was unquestionably averse to anything which would increase either the territory or the power of the United States, but at the

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of them would go to war, as both knew how vulnerable they were, France with her colonies and America with her slaves."—(Greville, *Journal of the Reign of Queen Victoria*, II, 6.)

[1] The majorities against the Whig government were 72 in the House of Lords and 91 in the House of Commons on the amendment of the address, which was the decisive blow to Melbourne's administration.

same time it was most anxious to avoid an American war. The government was also desirous of opening new markets for British manufactures, and it would have seen with great satisfaction the growth and prosperity of an independent Texas, especially if that country could have been induced to adopt permanently a policy of free trade, or at least of low tariffs. The fact that Texas was potentially a great cotton-producing country was an obvious element in the possibilities of an extended commercial intercourse. Nor was it ever forgotten that Mexican bonds to a large amount were held in England, and that the greater part of Mexican foreign trade was in British hands.

But what gave the subject a peculiar interest was the fact of the existence of slavery in Texas. The British public was extremely susceptible to any opportunity of preventing the extension of slavery or of abolishing it where it already existed. Unofficial agencies in England were numerous and active in helping abolitionists within the United States, but had met with little apparent success, and a more hopeful field for their efforts seemed to present itself in Texas, for the slave population was small and it was thought that it might be possible to induce the Texan government, in return for other favors, to consent to abolition. The British public, no doubt, did not fully appreciate the views of the Texans in regard to this matter, nor did the Texan government probably understand accurately the strong feeling which prevailed throughout Great Britain in regard to slavery.[1]

Aberdeen, himself a Scotch Presbyterian Tory, was at first quite as ill-informed as any of his countrymen, and, though he later acquired information, he lacked the imagination, insight, and sympathy which would have been essential to enable him to enter into the feelings of the people of either the United States or Texas, or of the ruling classes of Mexico. He knew Europe well, but he never fully comprehended America, so that he was continually being surprised by some turn of events which seemed to him to be wholly unexpected. His conduct of American affairs, therefore, during his five years' tenure of office, was never steady or consistent. He tried hard to shape the future of Texas and to keep Mexico at peace, but, as will be seen, he abandoned one position after another, and he had neither the abilities nor the strength of character to carry through any policy which seemed to be opposed by a majority of the people of the United States.

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[1] The British attitude toward slavery in Texas prior to 1843 is stated in J. H. Smith's *Annexation of Texas*, 79-88.

As for France, the course which she might choose to pursue in reference to Texan affairs was obviously a matter of great importance in determining the action of Great Britain. The British position was delicate. If any foreign country were to interpose vigorously between the United States and Texas, it was apparent that such an act would be very likely to give offence to the people of the United States, and possibly to the people of Texas, so that it was of the first consequence to British diplomacy to be sure of the backing of other European powers. But no such support could be looked for from any of the powers except France, for no other country then seriously counted. Spain was helpless. Italy and Germany were mere geographical expressions, without navies and without national interest in world politics. Austria and Russia were too far off to care. And it was thus of extreme importance to the future of Texas that the sympathies of both France and Britain should be enlisted, and that whatever action they might take should be harmonious as well as vigorous.

Touching the attitude of France, the Texan authorities had some ground for encouragement in the fact that since the autumn of 1840 the government had been in the hands of a ministry of which Guizot—a Protestant and professed liberal—was the head. But Guizot in office found himself faced by insistent popular demands for electoral and other reforms which neither he nor the King were at all inclined to grant; and thus the policy of the government at home and abroad developed into one of timid conservatism. They were utterly averse to adventures, of which they believed the country had had enough.[1] Peace and prosperity were what they offered France.

So far, then, as mediation in favor of Texas was concerned France was not disposed to go beyond expressions of friendly interest. Moreover, she still remained on bad terms with Mexico, who had not yet forgotten the bombardment of San Juan de Ulúa, and she therefore had little or no influence with the Mexican government. Nor had France any serious interests in Texas. On the other hand, her relations with England from early in 1840 to at least 1846 were in a constant state of tension. The popular sentiment in France, even after Palmerston retired from office, remained extremely hostile, and a recurring series of minor but irritating controversies taxed the best efforts of the leaders on both sides of the Channel to avoid war. Guizot and the King, who were all for peace, were consequently very ready to please the British government by following its lead in Texan affairs, which were matters nobody in France cared about; and the French agents in Texas and Mexico, as it ultimately turned out, never did anything except to second their British colleagues.

In Mexico the time seemed favorable for a permanent settlement of all difficulties. Santa Anna, who had come into office at about the same time as Sir Robert Peel in England, appeared to be at the very height of his power. He had triumphed over all opposition; he was supported by the army and the church; he had repeatedly expressed himself during his captivity in Texas as convinced that a reunion of the two countries was impossible;[2] and it might be hoped that he was now strong enough at home to carry out a reasonable foreign policy. Such a policy would, of course, have involved a recognition of the independence of Texas, for there was no impartial foreign observer who doubted for a moment that the pretence of a war with Texas was a constant source of expense and weakness to the

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[1] Time proved them mistaken. France still longed for adventure—"*la France s'ennuie*," in Lamartine's famous phrase.

[2] See, for example, his letter to Houston of Nov. 5, 1836; Niles's *Reg.*, LXII, 115.

Mexican government, and had been persisted in merely to furnish an excuse to successive Mexican administrations for keeping up a strong army at home.

Under these circumstances, the first thing for the Texan government to do was, obviously, to ratify the treaties entered into in 1840 with Great Britain, and accordingly, the Texan Senate having at last assented to them, Ashbel Smith was sent abroad, accredited as minister to both England and France, with instructions to exchange ratifications as soon as practicable. The next point to be attended to by him was to secure "prompt and efficient action" in respect to mediation—for the attainment of peace was "an object of paramount importance."[1]

Smith arrived in England May 10, 1842, but it was not until seven weeks later—on the twenty-eighth of June—that the ratifications of the treaties were exchanged and the independence of Texas was fully recognized by the British government.

Long before the exchange of ratifications was effected a British diplomatic agent to Texas had been appointed. This gentleman, who was destined to play a conspicuous if not a very effective part, was Captain Charles Elliot, of the Royal navy, who had already made a considerable stir in the world. He was a man of good family, had entered the navy as a midshipman in 1815—the Waterloo year—and had become a captain at the age of twenty-seven. He rose ultimately to the rank of admiral, but almost all his service after he was thirty years old was administrative or diplomatic. In 1834 he was sent in a quasi-diplomatic capacity to China, where he was concerned in bringing on what was called the Opium War, and where he annexed the island of Hong-Kong, made a treaty with the Chinese that both parties subsequently disavowed, quarrelled with the principal military and naval officers on the spot, and returned to England in the summer of 1841 to find himself the centre of a violent controversy. In order, it would seem, to get him quietly out of the way he was appointed to Texas in August, 1841, just before the fall of Lord Melbourne's ministry; but his departure, what with the ministerial crisis and the difficulty in ratifying the Texan treaties, was long delayed.

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[1] Jones to Smith, March 9, 1842; *Tex. Dip. Corr.*, II, 948. Ashbel Smith, like Archer and Anson Jones, was a physician. He was born in Connecticut, graduated at Yale in the class of 1824, and went to Texas to practise his profession in 1836. He was appointed to his diplomatic post March 2, 1842. The business of exchanging the ratifications of the three British treaties was a matter that required some caution, as many people in England still opposed recognition. He seems to have been well qualified for the position and to have made an excellent impression both in England and in France. Lieutenant Maissin, Admiral Baudin's aid, noted his indebtedness to Dr. Smith, who had acted as interpreter and guide to the admiral's party during their visit to Texas in the spring of 1839. "*Sa parfaite connaissance de la langue française, son instruction variée, sa grande obligeance ont donné à ses services un prix inestimable.*"—(Blanchard et Dauzats, 524, *note*.)

He reached Texas August 23, 1842, and soon became on most intimate terms with Houston, Anson Jones, and other leading men in the republic. He was at this time forty-one years old, full of energy (in spite of the fact that he suffered a good deal in health), and of a cheerful and optimistic spirit. Charles Greville, who met him for the first time in November, 1841, found him "animated, energetic, and vivacious, clever, eager, high-spirited and gay," treating with great contempt the British officers who disagreed with him and disapproving the course which the government proposed in respect to China.[1]

Having thus got diplomatic relations with Great Britain in a fair way of being regularly established, the next step of the Texan government in the path of peace was to instruct Ashbel Smith to propose to Great Britain and France that they should join with the United States in what was called a "triple interposition."[2] It was, he was told, "the first wish of the President's heart to bring about an amicable adjustment of the long-continued and profitless difficulties between this Government and that of Mexico."[3]

Smith, on his first arrival in London, had found the sentiment generally hostile to Texas, and when he urged upon

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[1] Greville, I, 386.

[2] Jones to Smith, June 7, 1842; *Tex. Dip. Corr.*, II, 964.

[3] Terrell to Smith, Aug. 20, 1842; *ibid.*, 1007.

Aberdeen's attention the provisions of the treaty with Texas, by which Great Britain had undertaken to mediate with Mexico, he was told that the subject had frequently been pressed on the consideration of the Mexican government, which had positively declined to entertain it. *"The Earl of Aberdeen could give me no hopes that the Mediation of England would be successful."*[1] Under these unhopeful conditions the instructions as to the "triple interposition" reached Smith in August in Paris. He at once called upon Guizot, who stated that the government of France would readily act in concert with the United States and Great Britain in mediating between Texas and Mexico, but suggested that the unfriendly feeling subsisting between the United States and Mexico might form a reason why the American government would not join in making a triple representation on this subject.[2] At the request of Guizot, Smith addressed him a note on the same day, making the proposal in writing; and he also wrote briefly to Aberdeen, stating that he was informed the subject would be presented to her Majesty's government by the French ambassador in London.[3]

Guizot replied in writing that the French government willingly agreed to the Texan request and would unite, with pleasure, its good offices to those of the cabinets of London and Washington to facilitate, as far as it could, a pacification which was so desirable from every point of view. He had already, he said, instructed the French representative in London to arrange with the British cabinet, and he intended to send instructions to the French minister in Mexico directing him to act in accord with the British minister.[4]

The British government returned no written answer to Smith's proposal, but when he went back to London later in the year he had interviews with Lord Aberdeen and Mr. Addington, the Under-Secretary of State,[5] who showed him the correspondence between the Foreign Office and Pakenham in Mexico and Lord Cowley in Paris. It appeared from the latter correspondence, as Smith wrote, that—

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[1] Smith to Jones, July 3, 1842; *ibid.*, 972. Italics in the original.

[2] Smith to Jones, Aug. 15, 1842; *ibid.*, 1383.

[3] Smith to Guizot, Aug. 15, 1842; *ibid.*, 1387. Smith to Aberdeen, Aug., 1842; *ibid.*, 1011.

[4] Guizot to Smith, Aug. 22, 1842; *ibid.*, 1397.

[5] Henry Unwin Addington, a nephew of the Prime Minister of the early years of the century.

> "The French Government have proffered with alacrity to unite their good offices with the other Powers in the proposed interposition. The British Government however declines acting in conjunction with the American Government for the alleged reason of the unfriendly relations subsisting between the United States and Mexico. They would however be pleased to be aided by the good offices of the French Govt. in the affairs of Texas and Mexico. The fact undoubtedly is, as Mr. Addington distinctly intimated to me in conversation, that the British Government would prefer to act solely in this matter and not conjointly either with France or the United States."[1]

A month later Smith had another interview with Guizot in Paris, which turned chiefly on the refusal of England to unite with France and the United States in the proposed triple mediation. Guizot stated that the French minister in Mexico had been instructed, since the refusal of England, to offer separately the good offices of the French government, but he was not prepared to answer definitely whether France would act jointly with the United States, without the acquiescence of England, in making a representation to Texas and Mexico. Smith, however, gathered from his remarks that the French government would be reluctant to take such a course under the existing circumstances.[2] The fact was, although it was not fully explained to Smith, that Lord Cowley had seen Guizot and explained to him the conclusions of the British cabinet; and that Guizot had replied he was entirely of Lord Aberdeen's opinion, "that a joint mediation of Great Britain, France and the United States for the purpose of effecting an accommodation between Mexico and Texas would not, under present circumstances, answer any good purpose, and that it would be better that each government should act separately, but in strict concert, with a view to the attainment of the proposed objects."[3]

The British government previous to this time, as appeared from the correspondence shown to Smith, had really been earnestly renewing the attempts it had made in Lord Palmerston's time to persuade Mexico to recognize the independence of Texas. Immediately after exchanging ratifications of the treaties with Ashbel Smith at the end of June, 1842, Lord Aberdeen had sent instructions to Mexico directing Pakenham to bring the subject again to the attention of the Mexican government. He was to renew the arguments already made, to dwell once more on the friendliness and disinterested conduct of Great Britain, and to point out again the importance of interposing a buffer state between Mexico and the United States. Aberdeen saw much more clearly than his predecessor the difficulties which Mexico was certain to encounter if she should ever make a real attempt to reconquer Texas.

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[1] Smith to Jones, Oct. 17, 1842; *Tex. Dip. Corr.*, II, 1027.

[2] Same to same, Nov. 13, 1842; *ibid.*, 1305.

[3] Elliot to Houston, Dec. 27, 1842; *ibid.*, I, 637.

> "Considering," he said, "the powerful support with which Texas is likely to meet from the People—I speak not of the Govt.—of the United States, and the unlimited means of recruiting her forces both by land and Sea, which are within the reach of Texas by reason of her proximity to that Country, the sentiments of whose Citizens in general are strongly in favour of the Texians, H. M. Govt. can not but perceive all the difficulties which are likely to surround Mexico." [1]

A fortnight later Aberdeen wrote again to Pakenham, pointing out that even if Mexico should succeed in invading Texas the result might very likely be to force annexation to the United States. He also repeated his warning as to the popular American support which Texas was certain to receive, and directed that this view be impressed upon the Mexican authorities.

> "You will represent to them," he wrote, "the impossibility of preventing the interference of the People of the United States in this Contest: and you will endeavour to convince them that in the present state of publick feeling in that Country, neither the Supreme Government at Washington, nor the Local Governments of the States, however well disposed they might be to do so, could put a stop to that interference. . . . Nor should they allow themselves to suppose that they can at any time count upon succour from Great Britain in their

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[1] Aberdeen to Pakenham, July 1, 1842; E. D. Adams, 101.

struggles with Texas, or with the United States. Great Britain is determined to remain strictly neutral." [1]

Pakenham in due course laid the matter before the Mexican government, but he received both from Bocanegra and Santa Anna very emphatic refusals to reconsider their determination upon the subject of Texas. Indeed, Bocanegra expressed vehemently his opinion that the conduct of Great Britain was far from friendly. Consequently, when renewed instructions were sent near the end of the year from the British and French Foreign Offices directing offers of mediation, the British and French representatives in Mexico had no difficulty in agreeing that any representations by them to Santa Anna's government would prove useless, and in consequence none were made at that time.[2]

Before this, however, American mediation had once more been tendered, and again without success. The subject had been brought forward by Reily, the Texan chargé in Washington, who urged upon both Tyler and Webster the propriety and justice of the United States, as the leading power on the continent, mediating between Texas and Mexico. On Wednesday, June 22, 1842, Reily had a conversation with Webster, who said that the President and the cabinet were "extremely desirous to bring about a peace between the two countries," and on the next day Webster gave Reily an opportunity to read instructions he had just written to the American ministers in Mexico and Texas.[3]

The instructions to Thompson in Mexico were to the effect that the government of the United States saw, with pain, a prospect of a resumption of hostilities. While it claimed no right to interfere, it could not remain indifferent to a prospect of actual warfare. There should be peace, as the commercial interests of the United States would suffer from a state of war. It was also to be borne in mind that if warfare were resumed "crowds of persons" from the United States would certainly attempt to take part in it, which was something the United States government could not prevent, and which would involve it in serious difficulties. The President had "a clear and strong conviction that a war was not only useless but hopeless, without any attainable object, injurious to both parties, and likely to be, in its continuance, annoying and vexatious to other commercial nations." In view of these considerations, if any intimation should be received of a desire from Mexico for interposition or mediation, the United States would cheerfully undertake to do what it could to bring about peace, but would do nothing unless both parties asked for it.[1] A copy of these instructions was sent at the same time to Eve in Texas, directing him to make the subject known to the Secretary of State of Texas, and to express the hope that Texas would suspend any offensive operation until the result of the application to Mexico should be ascertained.[2]

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[1] Same to same, July 15, 1842; *ibid.*, 103.
[2] Pakenham to Aberdeen, Feb. 24, 1843; *ibid.*, 123.
[3] Reily to Jones, June 24, 1842; *Tex. Dip. Corr.*, I, 563–566.

Texas would, of course, have been ready to make a formal request for mediation if there had been any prospect that Mexico would unite in it; but the universal belief in Mexico that the United States had had a constant share for years past in stirring up trouble in Texas was quite sufficient to prevent the possibility of her making any such request, and none was ever made.

Reily at the same time had been busy in Washington trying to get at the real attitude of the British government, which both the Texans and Americans then regarded as suspicious. There were even rumors that Mexico was to be directly helped to invade Texas, or at least to blockade the coast,[3] and Lord Ashburton was applied to to learn the real attitude of his government. Reily thought that Ashburton would talk to Clay more freely than to anybody else, and he persuaded Clay to ask whether it was true that Great Britain intended to help the Mexicans. The result of the interview between Clay, on the one side, and Ashburton and Fox (the resident British minister), on the other, was reported by Reily as follows:

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[1] Webster to Thompson, June 22, 1842; *State Dept. MSS.*

[2] Webster to Eve, June 23, 1842; *ibid.* Eve to Waples, Aug. 12, 1842; *Tex. Dip. Corr.*, I, 581.

[3] These reports had a certain foundation in the fact that the Mexican government had bought two steamers in England which it sought to arm there, and which were to be commanded by British naval officers, who secured leave of absence for that purpose. The vessels were never of the slightest use to Mexico, and were sold to Spain four years after they crossed the Atlantic. Accounts of the Texan protests and of the uncertain course of Lord Aberdeen

> "Lord Ashburton peremptorily disclaimed any interference of the British Government in behalf of Mexico, and that the British Ministry he said would as soon aid Old Spain in again subjugating the Low Countries, as to aid Mexico in reconquering Texas. Mr. Fox remarked that Great Britain would much rather interpose to bring about a peace between Texas and Mexico than to aid Mexico in her attempts upon Texas, and that the Crown without the consent of Parliament, could not make advances of either money, ammunition or supplies to Mexico. Lord Ashburton farther added, that Great Britain would sooner expect Texas to Conquer Mexico, than Mexico Conquer Texas, and that if the Mexican Government had obtained any money at all, it was as all others obtain it, by loans. Both disclaimed in positive terms again, and again, any interference on the part of Great Britain, in favor of Mexico."[1]

On two later occasions Reily had personal interviews with Ashburton, who repeated that Great Britain had not intermeddled, and had no disposition to do so, and that if it interfered at all it would be to make peace between Mexico and Texas.[2]

Everett, the American minister in London, also spoke to Lord Aberdeen of the suspicions entertained by some persons that Great Britain was aiding Mexico in her movements against Texas.

> "He replied with great readiness that there was no foundation for such a belief, adding with a smile that Mr. Murphy (the Mexican

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and the law-officers of the Crown in respect thereto, will be found in E. D. Adams, 79-96, and in *Tex. Dip. Corr.*, II, 961-1055. Hamilton's officious interference in this affair greatly offended President Houston, and his indignation was increased by a proposal which Hamilton made, that he be employed to carry on a secret negotiation with Almonte, "through the instrumentality of my friends Mr. John C. Calhoun and Mr. Webster." The result was an emphatic disavowal of Hamilton's acts and a refusal to employ him in any manner whatever.—(*Ibid.*, 1045, 1056, 784.)

[1] Reily to Jones, April 14, 1842; *Tex. Dip. Corr.*, I, 553. Henry Stephen Fox was a nephew of Charles James Fox.

[2] Reily to Jones, April 28 and July 11, 1842; *ibid.*, 558, 568.

Chargé d'Affaires at this Court) could satisfy me on this head. I inferred from this remark that the Mexican Government had endeavoured, in some way or other, to obtain the countenance at least of England for the reconquest of Texas." [1]

In reality, the British government did not then intend to do anything more than precisely what Aberdeen had told his agents was his purpose, namely, to urge Mexico "to lose no time in coming to an accommodation with Texas on the basis of a recognition of the independence of that country," [2] but their efforts, at least up to the summer of 1843, were marked by a good deal of vacillation, due no doubt largely to indifference as well as to ignorance of the subject on the part of the Foreign Office.

While foreign diplomatists in Mexico thus found themselves unable to accomplish anything in their missions of peace, a very unexpected negotiator appeared on the scene. One of the prisoners captured at San Antonio by General Woll in September, 1842, was James W. Robinson, who had been the lieutenant-governor under the provisional government from November, 1835, to March, 1836. Writing to Santa Anna from the castle of Perote on January 9, 1843, Robinson stated that the Texans, after seven years and a half of war, were anxious for peace, and would gladly accept it on terms having for their basis the reunion of the republic with that of Mexico; that some others of his fellow-prisoners were of the same opinion with himself, and that if they could be sent back to Texas they would exert a powerful influence in reuniting Texas with Mexico. He also expressed the opinion that peace could not be made without an armistice, and that Mexican commissioners, together with one or two of the prisoners who were of Robinson's way of thinking, ought to be sent immediately to Texas to enter upon negotiations.

Santa Anna, then at Manga de Clavo,[3] transmitted the letter to Tornel, Minister of War, suggesting that though Robinson's object might simply be to obtain his liberty nothing could be lost by hearing him, and some favorable result might be obtained. He therefore requested Tornel to lay the letter before the President *ad interim*, and if that functionary should think it proper, he (Santa Anna) would hear what Robinson had to say, it being understood that he would make no concessions to the latter that would compromise the nation.[1] Bravo, the President *ad interim*, naturally gave Santa Anna full power to do whatever he thought proper, and Santa Anna sent for Robinson to come to Manga de Clavo. The result of their conferences was that a basis of settlement—under which Texas was to have a certain measure of autonomy while remaining a department of Mexico—was drawn up and signed by Santa Anna.

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[1] Everett to Webster, May 6, 1842; *State Dept. MSS.*

[2] Elliot to Houston, Dec. 27, 1842; *Tex. Dip. Corr.*, I, 637.

[3] Santa Anna left the city of Mexico October 26, 1842, having previously appointed Bravo President *ad interim*. The excuse given was the ill-health of Santa Anna and his wife. The real reason was the intended dissolution

As stated by Robinson on his return to Texas, the proposal was as follows:

> "It is proposed that—
> "1. Texas should acknowledge the sovereignty of Mexico.
> "2. A general act of amnesty to be passed for past acts in Texas.
> "3. Texas to form an independent department of Mexico.
> "4. Texas to be represented to the general congress.
> "5. Texas to institute or originate all local laws, rules and regulations.
> "6. No Mexican troops under any pretext whatever to be stationed in Texas."[2]

Robinson, armed with this document, reached the capital of Texas about the first of April, 1843, and laid Santa Anna's proposition before Houston. There was, of course, no possible chance that the people or the Congress of Texas would consent to return to Mexican allegiance under any conditions; but Houston, while objecting strongly to the terms of the proposals so far as they involved an acknowledgment of Mexican sovereignty, thought that they "evinced a peace-

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of the constituent Congress, which was accomplished by Bravo in December, 1842. Santa Anna returned to the capital on March 5, 1843. See chapter XVIII, above.

[1] Santa Anna to Tornel, Feb. 6, 1843; Yoakum, II, 387.

[2] Niles's *Reg.*, LXIV, 97.

fulness of spirit on the part of the Mexican government," and got Elliot to write to Pakenham to secure an armistice pending negotiations.[1]

A confidential letter to Santa Anna from Robinson, gave an account of affairs as he found them in Texas. It was asserted by Houston's friends that he had dictated the letter, but there is nothing in the text which appears to bear out this assertion. The news of Santa Anna's proposals, said Robinson, had not created much excitement, although they had been presented by him in the Texan newspapers "in the most favorable light."[2] Houston also had "evinced no excitement" over the proposals, but had remarked that since the revolution began, in 1835, the affairs of Texas and Mexico had become much more complicated than they had once been; that Texas had been recognized by foreign powers, and had formed treaties with them; and that if Texas should act independently of the consideration of those powers it would, in his opinion, be treating them with disrespect. Robinson had been unable to find out from Houston what course would be adopted by the Texan government, and could not ascertain what Houston's purposes were—if he had any. Robinson further reported that the people of Texas were not, as he had supposed, torn by factions, and in view of the conditions actually existing he suggested to Santa Anna that all of the Texan prisoners should be released, and that an armistice should be declared for some months, so as to give the people of Texas time to think over the Mexican propositions. "I will not," he concluded, "be so presumptuous as to advise your Excellency about anything; but as things have changed since I communicated with your Excellency in reference to the affairs in Texas I feel bound to inform you of such facts as resulted from my observation."[3]

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[1] Elliot to Pakenham, April 14, 1843; *S. W. Hist. Quar.*, XVI, 207–213.

[2] The Galveston *Civilian* spoke of Robinson's proposals "in a decidedly favorable manner," and asked for them serious and respectful consideration. The Galveston *Times*, on the other hand, said the proposals would be consigned by reflecting Texans to the contempt which was all they deserved.—(Niles's *Reg.*, LXIV, 97).

[3] Robinson to Santa Anna, April 10, 1843; Yoakum, II, 388–391.

Writing to the American chargé d'affaires, Houston expressed the opinion that Santa Anna's offer to treat with Texas indicated "that some of the powers have touched him in a tender part," but that the whole affair was an absurdity, and the proposal for terms of peace "will do very well to file away as a curiosity for after-times; and that is about as much as can well be made of it."[1] But to Elliot he wrote privately of the advantages that would accrue to England if peace between Mexico and Texas could be brought about on the basis of Texan independence, especially in the event of war between the United States and Great Britain.[2]

The Texan government officially rejected the proposals. Thus the Texan Secretary of State, writing to the chargé d'affaires in Washington, declared that—

> "The propositions of Gen. Santa Anna, have been published by Mr. Robinson through the medium of the public papers, and have every where been met by the people to whom they were addressed with indignation and contempt, and rejected by one unanimous response from the whole country."[3]

Nevertheless, Robinson's amateur efforts did bear fruit. As soon as Santa Anna received Robinson's letter of April 10 he sent for Percy Doyle, the British chargé (Pakenham having gone home on leave), and told him that he was now ready to agree to an armistice, and would at once give orders for a total cessation of hostilities on his part; and he suggested that Houston should be asked to despatch similar orders to the officers commanding the Texan forces. If this were done "he was ready to receive any Commissioners which might be sent from Texas to treat on the terms proposed by him." This request Doyle transmitted without comment to Elliot.[4]

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[1] Houston to Eve, April 22, 1843; *ibid.*, 392, *note*.

[2] Houston to Elliot, May 13, 1843; *S. W. Hist. Quar.*, XVI, 321–326.

[3] Jones to Van Zandt, May 8, 1843; *Tex. Dip. Corr.*, II, 176.

[4] Doyle to Aberdeen, May 25, 1843; E. D. Adams, 134. Doyle to Elliot, May 27, 1843; *Tex. Dip. Corr.*, II, 1091. A copy of this last letter, together with all the other correspondence in relation to the same matter, was furnished by the Texan State Department to Murphy, the American chargé in Texas,

The formal offer of an armistice was thereupon transmitted to the Texan government by Elliot, with a letter expressing his belief that Santa Anna would not give way on the sovereignty of Mexico, but that the negotiations, if begun, would end in an honorable and desirable pacification.[1] M. de Cramayel, the French minister in Texas, expressed his concurrence in this view, and joined Elliot in urging the proposed armistice. Houston therefore, on June 13, 1843, issued a proclamation declaring that hostilities were suspended pending negotiations for peace, and that the armistice was to continue until notice of an intention to resume hostilities should have been transmitted through the British legation. A copy of the proclamation was sent to Captain Elliot, with a request that he obtain the sanction of Mexico to its terms; and copies of all the papers were forwarded at the same time to the Texan representative at Washington.[2] Elliot duly transmitted the inquiries of the Texan government to Mexico, and was informed, in reply, through Percy Doyle that the duration of the armistice could best be determined by the military authorities of the two countries; that General Woll, then in command at Matamoros, was authorized to represent the Mexican government; and that it was hoped Texan commissioners would be sent, "with full powers to treat upon the terms of which Mr. Robinson, one of the late Texian prisoners was the Bearer."[3]

When Santa Anna's proposals to Robinson first reached Lord Aberdeen, in the month of May, 1843, they did not

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in the following September. He sent them to Washington, with a despatch in which he said that he could not have obtained them if Houston had not been absent from the seat of government.—(Murphy to Upshur, Sept. 28, 1843; *State Dept. MSS.*) There seems to have been no foundation for the latter statement except Murphy's rooted dislike for Houston. The correspondence was voluntarily given by Jones to Murphy, without the least pretence of concealment or any request that it should be regarded as confidential. The American State Department was disposed at first to censure Murphy for underhand dealing, but subsequently decided he was not at all to blame.—(Upshur to Murphy, Nov. 21, 1843; *State Dept. MSS.*)

[1] Elliot to Jones, June 10, 1843; *Tex. Dip. Corr.*, II, 1090.

[2] Jones to Elliot and Jones to Van Zandt, June 15, 1843; *ibid.*, 1092, 1093. The proclamation is printed in H. R. Doc. 271, 28 Cong., 1 sess., 83.

[3] Elliot to Jones, July 24, 1843; *Tex. Dip. Corr.*, II, 1112. Houston's purposes in all this negotiation are discussed at length in J. H. Smith's *Annexation of Texas*, 94–100.

appear to him to be of "a very practical description," or fitted to give rise to more than "a faint hope" of a satisfactory settlement;[1] but he soon came to see that they did open a way for hopeful negotiations, and he wrote to both Mexico and Texas to urge an agreement, and to advocate concessions on either side. Mexico, he thought, had not gone far enough, and its best policy would be to make a complete and full acknowledgment of Texan independence at once.[2] To Elliot he wrote, expressing his conviction that Santa Anna's offer was made in the full hope "and even expectation" of its being accepted by Texas, that it meant virtual independence, and that a mere "nominal concession" ought not to prevent acceptance by Texas.[3] Elliot therefore tried hard to persuade the Texan government to accept these terms. The proposal, he said, amounted to an acknowledgment of virtual independence, and what remained was but the shadow of a name; and as the Mexicans were willing to surrender the substance in exchange for the shadow he thought the Texans ought not to quarrel with their proposal, the acceptance of which would be to the manifest advantage of Texas.[4] A few weeks later he wrote privately to Jones that he was again informed by Doyle that Santa Anna showed no disposition to yield upon the point of the sovereignty of Mexico being acknowledged by Texas, but thought there would be no difficulty about other points, and on the whole was of opinion that there was a general improvement in that government in the sense of moderation and good-will toward Texas.[5]

As soon as the Texan government received notice that General Woll was authorized to represent Mexico in the matter of an armistice it notified Elliot that the President, "concurring in the views entertained by Her Majesty's Gov. will accede to the proposition made by Gen. Santa Anna, and dispatch Commissioners to treat with Gen. Woll upon the terms and conditions of the Armistice and should these be satisfactorily adjusted, he will forthwith send Commissioners to the City of Mexico."[1] Houston, however, was in no hurry to designate his commissioners, and it was not until nearly the end of September that George W. Hockley and Samuel Williams were appointed. Their instructions stated that they were to endeavor to establish a general armistice between Texas and Mexico, which was to continue during the pendency of negotiations with Mexico for a permanent peace, and for such further period as they could agree upon, requiring due notice to be given by either party disposed to resume hostilities to the other, through the British legation, six months previous to any act of hostility. They were also authorized to agree upon the appointment of commissioners to meet at the city of Mexico to negotiate for the adjustment of all existing difficulties between the two countries and the establishment of a permanent peace. Any agreement made by them was to be subject to ratification by the two countries.[2] It will be noticed that Santa Anna had asked for commissioners "to treat upon the terms of which Mr. Robinson, one of the late Texian prisoners was the Bearer"; while Houston had sent commissioners who were empowered only to fix the terms of an armistice pending negotiations.

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[1] Aberdeen to Elliot, May 18, 1843; *S. W. Hist. Quar.*, XVI, 307.

[2] Aberdeen to Doyle, July 1, 1843; E. D. Adams, 130.

[3] Aberdeen to Elliot, June 3, 1843, No. 6; *S. W. Hist. Quar.*, XVI, 314.

[4] Elliot to Jones, Aug. 17, 1843; Jones, 246.

[5] Same to same, Aug. 28, 1843; *ibid.*, 248.

The condition of affairs, therefore, in Mexico and Texas in the early summer of 1843—shortly after the time when Webster resigned the office of Secretary of State of the United States—bore a promising appearance of early peace. Hostilities had been suspended, and it was known that the French and English agents, especially Captain Elliot in Texas, were busy trying to bring the contending parties together, a result which, if it should involve a return of Texas to Mexican allegiance, would assuredly prove very distasteful to President Tyler, although it might be entirely in line with Webster's private views.

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[1] Jones to Elliot, July 30, 1843; *Tex. Dip. Corr.*, II, 1114.

[2] G. W. Hill (Secretary of War) to Hockley and Williams, Sept. 26, 1843; Yoakum, II, 415.

CHAPTER XXII

BRITISH PROPOSALS FOR ABOLISHING SLAVERY IN TEXAS

For several weeks before Webster actually resigned his office as Secretary of State the prospect of a vacancy had been a subject of common gossip in Washington, and the President and his friends had been considering the choice of a successor. John C. Calhoun was the most conspicuous possibility, and many of Tyler's friends thought he ought to be appointed. But it may well be questioned whether Tyler was ever anxious to have Calhoun in his cabinet, and Calhoun himself was at that time unwilling to take the place. His reasons were the same that induced him to resign his seat in the Senate at the close of the session of 1843, namely, that he wished to devote all his time and strength to securing the presidential nomination in 1844. His advice was that Upshur, the Secretary of the Navy, should be promoted. "I had a conversation with him," wrote Calhoun, "a few days before I left Washington, in which the subject of a possible vacancy of the State Department was adverted to, and in which I stated to him in that event, if the office was tendered to him, I was of impression that he ought to accept." [1]

Webster, as well as Calhoun, thought Upshur ought to be appointed Secretary of State. The range of choice he regarded as limited and the President could not do better. "Mr. Upshur is an accomplished lawyer, with some experience abroad, of gentlemanly manners and character, and not at all disposed to create or foment foreign difficulties." [2]

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[1] Calhoun to Green, March 19, 1843; *Amer. Hist. Assn. Rep.* 1899, II, 526. Calhoun left Washington about March 4, 1843.

[2] Webster to Everett, May 12, 1843; *Webster's Private Corr.*, II, 173. Abel Parker Upshur was a Virginia lawyer, and a man of good abilities

The subject was one to which the President gave long consideration, for its decision involved very serious consequences. Van Zandt, the Texan representative, three weeks before Webster's resignation, had correctly grasped the situation.

> "Captain Tyler," he wrote, "is endeavoring to repair his vessel. . . . I think from present appearances Democracy will be seen written upon his flag in big letters when it is hoisted to the masthead. If the Captain succeeds in getting a full crew on board who will be ready to obey orders when the word is given to beat to quarters, I think he will give a broadside that will tell for the lone star." [1]

The President, being in no hurry, intrusted the State Department temporarily to the amiable and accomplished Attorney-General, Hugh Swinton Legaré, of South Carolina, who was not only a leading lawyer of his state, but had been for several years in charge of the American legation in Brussels.[2] Legaré unfortunately only lived for six weeks after taking charge of the State Department, and died rather suddenly at Boston on June 18, 1843, where the President and his cabinet had gone to hear Webster's second Bunker Hill oration;[3] and the President then finally turned to Upshur.

The new Secretary of State was well known to be in favor of annexing Texas. Indeed, Webster asserted, five years later, that when Upshur entered the cabinet he had "something like a passion" for accomplishing that object.[4] Van Zandt, the Texan minister in Washington, wrote privately,

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and good character. When he first entered the cabinet he was a judge of the Virginia courts. His administration of the Navy Department had been business-like and efficient, although critics of the administration thought he was too anxious for a big navy.

[1] Van Zandt to Jones, April 19, 1843; Jones, 222.

[2] "*Il y a parmi les nouveaux membres du cabinet un M. Legaré qui parle bien français, qui est aimable et remplacera avantageusement M. Webster.*"—(Bacourt, *Souvenirs d'un Diplomate*, 327.)

[3] Adams's cheerful opinions on this occasion, in which he characterizes Daniel Webster as "a heartless traitor to the cause of human freedom," and comments on the desecration of the solemnity by the "pilgrimage of John Tyler and his Cabinet of slave-drivers," are to be found in *Memoirs*, XI, 383.

[4] Webster's speech in the Senate, March 23, 1848; Webster's *Works*, V, 286.

when rumors of Webster's retirement first began to circulate, that it was likely Upshur would take his place. "If he does, it will be one of the best appointments for us. His whole soul is with us. He is an able man and has the nerve to act."[1] But weeks passed and Upshur took no steps toward a negotiation with Texas, restrained, it would seem, by the President, who thought the time had not yet come. What finally induced the President to give Upshur permission to act was the language used by Lord Aberdeen in respect to certain proposals looking to the abolition of slavery in Texas.

Strictly speaking, the British government never took any official steps in that direction, although the subject was for some time under a sort of unofficial discussion.[2] Captain Elliot, who had arrived in Texas in the summer of 1842, began sending a series of personal letters in the autumn of that year to Addington, the Under-Secretary of Foreign Affairs in England, in which he developed a plan of his own for Texas. There was to be a revision of the Constitution, doing away with "the folly of a yearly elected Legislature and other liberality of the rhodomontade school"; abolishing slavery and all political disabilities of colored people; establishing an educational test for voters; and making "perfectly free trade a fundamental principle." The northern states of Mexico would, he thought, be glad to unite with a nation built upon such a foundation, and the northeastern states of the American Union would not be sorry "to see the power of the South and West effectually limited, and a bound marked beyond which Slavery could not advance."[3] That a project so purely visionary could have had any support from men like Houston or his cabinet is incredible. No convention of Texans at any period of its history would have considered such a constitution for a moment, although Elliot seems to have had abiding faith in the possibility of carrying out his plan.[1] Money lent by Great Britain to put an end to slavery in Texas, he wrote, would give quite as profitable returns as money spent in fortresses on the Canadian border.[2]

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[1] Van Zandt to Jones, March 15, 1843; Jones, 213.

[2] In 1837 a British agent who visited Texas reported that the existence of slavery might be done away with if it were made a condition in a treaty with some influential power. Another suggested, in 1840, that the abolition of slavery might be made a condition of recognition. See "British Correspondence Concerning Texas," edited by E. D. Adams, *Tex. Hist. Quar.*, XV, 216, 225, 238. The suggestions, however, were not adopted by Lord Palmerston, although British public opinion would undoubtedly have favored any effort to abolish slavery in Texas.

[3] Elliot to Addington, Nov. 15, 1842; *S. W. Hist. Quar.*, XVI, 76.

But although Houston certainly took no part in these efforts for the abolition of slavery, he kept continually urging upon Elliot the importance of action by Great Britain to induce Mexico to acknowledge Texan independence, lest a worse thing should happen. On January 24, 1843, he wrote that the subject of annexation to the United States was being much discussed in Texas, and that the whole of the United States was fast becoming a unit in favor of that policy, which would ultimately result in their acquiring not only Texas, but the Bay of San Francisco. "To defeat this policy it is only necessary for Lord Aberdeen to say to Santa Anna, 'Sir, Mexico must recognize the independence of Texas.' Santa Anna would be glad of such a pretext."[3] Elliot was strongly impressed with the force of this argument, which was quite in line with what Van Zandt was reporting of his interviews with the President and other public men in Washington,[4] and he therefore wrote to the Foreign Office, insisting on the danger of annexation unless peace were made "in some brief space of time."[5]

All this left Aberdeen cold. He evidently did not then consider that there was any immediate danger of annexation—as indeed there was none—so long as Webster remained at the head of the Department of State, and he probably was very little interested at that time in the subject. He therefore contented himself by the purely perfunctory statement to Elliot that—

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[1] Same to same, Dec. 11, 1842; *ibid.*, 85.

[2] Same to same, Dec. 16, 1842; *ibid.*, 92.

[3] Houston to Elliot, Jan. 24, 1843; *ibid.*, 198. To the American representative in Texas Houston wrote, about the same time, that the idea of annexation was well received in Texas, and that if it became a political question in the United States both parties "would seize hold of [it] or grasp at the handle."—(Houston to Eve, Feb. 17, 1843; *Tex. Dip. Corr.*, II, 128.)

[4] Van Zandt to Terrell, Dec. 23, 1842; *ibid.*, I, 633.

[5] Elliot to Aberdeen, Jan. 28, 1843; Elliot to Addington, March 26, 1843; *S. W. Hist. Quar.*, XVI, 189, 200.

> "Her Majesty's Government do not think it necessary to give you any Instructions at the present moment on that subject, further than to desire that you will assure the President of the continued interest which the British Government takes in the prosperity and independence of the State of Texas: and of their full determination to persevere in employing their endeavours, whenever they see a reasonable hope of success, to bring about an adjustment of the differences still existing between Mexico and Texas, of which they so much lament the continuance."[1]

The activity of Elliot was by this time a matter of common talk in Texas. William S. Murphy, who had been appointed chargé d'affaires of the United States in place of Eve, whose course had not been satisfactory to his government,[2] landed at Galveston on the third of June, and two days later he wrote that, according to general report, Houston was completely under British influence and opposed to annexation, although the people were favorable.[3] The rumors which reached Murphy probably went so far as to assert that Houston and the British government were planning abolition, although Elliot, in conversation with Houston, positively asserted that the subject of slavery in Texas had never been mentioned to him in any despatch from his government or by word of mouth.[4] But if instructions had not been sent to Elliot upon this subject they were sent, as we shall see, to Doyle in Mexico.

What knowledge Houston had of Elliot's private and personal opinions in respect to slavery is not known, for if he had any such knowledge he kept it to himself. Murphy, who saw Houston for the first time in the latter part of June, wrote that he could not find out what was going on, though he was sure some important negotiations were on

[1] Aberdeen to Elliot, May 18, 1843; *ibid.*, 308.

[2] Webster to Eve, April 3, 1843; *State Dept. MSS.* Eve died at Galveston on June 9, 1843, as he was about to embark for home.

[3] Murphy to Upshur, June 5, 1843; *ibid.*

[4] Elliot to Aberdeen, June 8, 1843; *S. W. Hist. Quar.*, XVI, 319.

foot. "What steps are in progress, I know not, nor can I know until they shall develop themselves to the world. England may at this time be setting on foot a negotiation of vast consequence to the United States, and in all probability such is the case." Captain Elliot, as Murphy reported, was known to be an open advocate of Santa Anna's propositions, made through Robinson, which the people of Texas had unanimously scorned; and though the President's views were not known, the next Congress would show a vast majority in both houses "in favor of active measures to coerce Mexico into an acknowledgment of the Independence of Texas." [1] Two days later Murphy wrote again to say that the friendly policy of the United States toward the republic of Texas seemed to have been greatly misunderstood throughout the country, as well by the government as the people, and that he had heard the assertion made that Texas could not look to the United States for countenance and support in any emergency, but that her whole hope rested upon the friendly offices of England and France.[2]

A similar vague feeling of suspicion and distrust of British activities in Texas was manifest in all the reports which reached the newspapers of the United States. The press generally had no doubt that something was going on in which the British agents had an active share; but what the British government was trying to do seemed to be wholly uncertain. The general impression in the American press was that Texas, in despair of ever entering the Union, was ready to deliver herself, bound hand and foot, to Great Britain; that Great Britain would insist on abolishing slavery; and that the real reason of British interest in the subject was that she hoped to raise up a great cotton-growing country which should prove a rival to the United States.[3]

Ashbel Smith, after he had been in Europe six months, thought that he understood the true motives of the British government. Writing to Van Zandt, he said that one of the things it desired was the right of search over all vessels suspected of slave-trading, which the United States had stubbornly refused to grant. The next motive was a fear that Texas might be annexed to the American Union, which would be undesirable for commercial reasons, as the English wished Texas to remain a consumer of their manufactures, not subject to the tariff restrictions of the United States. Another was that Texas would interpose a barrier to the encroachments of the United States upon Mexico. Still another point was involved in the question of slavery.

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[1] Murphy to Legaré, July 6, 1843; *State Dept. MSS.*

[2] Same to same, July 8, 1843; H. R. Doc. 271, 28 Cong., 1 sess., 72.

[3] McMaster's *History*, VII, 316–318.

> "It is the purpose of some persons in England to procure the abolition of Slavery in Texas. They propose to accomplish this end by friendly negotiation and by the concession of what will be deemed equivalents. I believe the equivalents contemplated are a guarantee by Great Britain of the Independence of Texas—discriminating duties in favor of Texian products and perhaps a negotiation of a loan, or some means by which the finances of Texas can be readjusted. They estimate the number of Slaves in Texas at 12,000 and would consider the payment for them in full, as a small sum for the advantages they anticipate from the establishment of a free State on the Southern borders of the Slave holding States of the American Union. . . .
>
> "Rely on it, as certain, that in England it is intended to make an effort, and that some things are already in train to accomplish if possible the abolition of slavery in Texas. And might not Texas exhausted as just described, listen in a moment of folly to such overtures of the British Govt?
>
> "In the meantime, rely on it we have nothing to expect from the continued offer of British mediation to Mexico on its *present basis*. As little have we to expect from the good offices of France, although sincerely and faithfully employed, so long as they are separately exerted as at the present time.
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> "The independence of Texas and the existence of Slavery in Texas is a question of life or death to the slave holding states of the American Union. Hemmed in between the free states on their northern border, and a free Anglo Saxon State on their southern border and sustained by England, their history would soon be written. *The Establishment of a free state on the territory of Texas is a darling wish of England for which scarcely any price would be regarded as to* [sic] *great. The bargain once struck what remedy remains to the south?*" [1]

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[1] Smith to Van Zandt, Jan. 25, 1843; *Tex. Dip. Corr.*, II, 1105–1106. Italics in original.

That Van Zandt showed this letter about in Washington, or at least expressed himself in the terms which Smith had used, is of course most probable. At any rate, stories of the intentions of England in relation to the abolition of slavery in Texas were everywhere rife in the summer of 1843, when Upshur entered upon the duties of the State Department,[1] and it was only a short time after he took office that he began to receive what he regarded as strong confirmation of the most injurious rumors respecting the abolitionist activities of the British government. Their dealings with a man in whom he saw a secret agent of the Texan authorities were what principally excited his alarm.

Stephen Pearl Andrews, the supposed agent, was a young man, thirty-one years old, born in Massachusetts, educated at Amherst, and afterward a resident of New Orleans.[2] In 1839 he migrated from New Orleans to Galveston, where he proved highly successful in the practice of his profession. He had become an active and militant abolitionist, and, according to his own account, had converted a number of slave-holders in Texas by showing them that if free labor were encouraged the value of their lands would increase. It was his plan to have the Constitution of Texas amended so as to abolish slavery, and the British and Foreign Anti-Slavery Society was to be asked to raise the money to buy and free the slaves. Elliot, the British minister, it was reported, believed that such action would secure not only the warm support of his government, but the money with which to accomplish emancipation.[3] It seems to be quite clear that it was Andrews who enlisted Captain Elliot's interest and persuaded him to write to Addington, in London, favoring these schemes.

In the spring of 1843 Andrews set out for England to attend the World's Convention of Abolitionists, under the auspices of the British and Foreign Anti-Slavery Society, which was held at London between the thirteenth and twentieth of June; but before going he called on John Quincy Adams, in company with Lewis Tappan.

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[1] His commission as Secretary of State was dated July 24, 1843.

[2] In his old age he became a resident of New York, where he attained some unpleasant notoriety. He was an expert stenographer, and became identified with various "advanced" causes.

[3] Niles's *Reg.* (July 8, 1843), LXIV, 293.

> "Mr. Lewis Tappan and Mr. Andrews visited me this morning," Adams noted in his diary on May 31, 1843. "Mr. Tappan had with him the New Orleans Bee of the 15th and 16th May, containing several long articles sounding the trumpet of alarm at the symptoms recently manifested in Texas of a strong party with a fixed design to abolish slavery. The Bee has the name of Henry Clay on its first page, nominated as its candidate for the Presidency, but its groans at the prospect of abolition in Texas are agonizing. Mr. Andrews . . . says he knows that the Texan President, Houston, is in favor of abolition. He is now about to embark in the steamer Caledonia, to-morrow, for England, with a view to obtain the aid of the British Government to the cause. . . . I bade him God speed, and told him that I believed the freedom of this country and of all mankind depended upon the direct, formal, open, and avowed interference of Great Britain to accomplish the abolition of slavery in Texas; but that I distrusted the sincerity of the present British Administration in the anti-slavery cause."[1]

Andrews and Tappan in due time reached London and attended the convention and other meetings. As a spectator of the proceedings Ashbel Smith also attended, and he reported to the Texan State Department that the convention—

> "gave the subject of abolition in Texas a very full consideration, deem it of great importance, will spare no efforts to accomplish it, and count confidently on the co-operation of the British Government. I was present at this meeting of the Convention and heard Texas described as the hiding place of dishonesty, as the refuge of unprincipled villians, swindlers and criminals escaped from the hands of justice in other countries; and that to this general character our population presented only occasional or rare exceptions."[2]

A committee from the convention waited on Lord Aberdeen, and reported that he had promised that the British government would guarantee the interest of a loan to Texas if it were raised and applied for the sole purpose of purchasing and emancipating slaves, on condition, of course, that the introduction of slaves should thenceforward be prohibited. Lord Aberdeen subsequently denied having made any such promise, and what he did say to the committee must remain to some extent uncertain. The probabilities are that he listened to their suggestions, gave them some vague assurances of interest in their projects, and promised careful consideration. It is quite clear that he had no conception of the importance which would be attached to his words in Texas and the United States.

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[1] *Memoirs*, XI, 379.

[2] Smith to Jones, July 2, 1843; *Tex. Dip. Corr.*, II, 1100. Further details as to Andrews and his visit to England will be found in J. H. Smith's *Annexation of Texas*, 112–117.

Andrews remained in London for some time after the close of the convention, and had interviews with a number of more or less important people, all of whom he represented to Smith as being extremely eager to bring about abolition in Texas. Among them were Lords Aberdeen, Brougham, and Morpeth (afterward the Earl of Carlisle). Andrews got Smith to introduce him as a citizen of Texas to Addington, of the Foreign Office, which, says Smith, "I consented to do, the introduction being in no degree official as I stated to Mr. Addington, and as this course puts me fairly in possession of the abolition schemes which had already been presented to the British Government." Smith was careful to explain to Addington that Andrews's coming to London was wholly unauthorized by the government or citizens of Texas, and that there was no disposition to agitate the subject, either on the part of the government or of "any respectable portion" of the citizens of Texas; and he also expressed his own "utter dissent" from all the proceedings in London which had abolition in view.[1]

Tappan, in person, and Andrews, by letter, reported to Adams the results of their visit to England, and furnished him with a full report of the proceedings of the convention. Andrews wrote that he was encouraged in the hope of accomplishing, with the aid of British influence, the abolition of slavery in Texas; but Adams could see nothing to remove the deep distrust which he felt of British policy with regard to slavery in Texas and the Southern states.

[1] Smith to Jones, July 31, 1843; *Tex. Dip. Corr.*, II, 1116.

"Her interest," he wrote, "is to sustain and cherish slavery there, and there is too much reason to surmise that in the conflict between policy and principle slavery will bear off the palm." [1]

The views which Adams entertained in regard to British policy were strikingly different from those which were entertained by the leaders of opinion in the South.

On July 20 Smith, who was a good deal troubled at the stories that were in circulation, called on Lord Aberdeen and told him he had heard that representations would be sent to Texas to the effect that her Majesty's government would provide means, in some way, for reimbursing slaveholders in the event of abolition, and he inquired what ground there was for these assertions.

"His Lordship replied in effect, that it is the well known policy and wish of the British Government to abolish slavery everywhere; that its abolition in Texas is deemed very desirable and he spoke to this point at some little length, as connected with British policy and British interests and in reference to the United States. He added, that there was no disposition on the part of the British Govt to interfere improperly on this subject, and that they would not give the Texian Govt cause to complain; 'he was not prepared to say whether the British Govt would consent hereafter to make such compensation to Texas as would enable the Slaveholders to abolish slavery, the object is deemed so important perhaps they might, though he could not say certainly.' . . .

"Lord Aberdeen also stated that despatches had been recently sent to Mr. Doyle the British Chargé d'Affaires at Mexico, instructing him to renew the tender of British Mediation based on the abolition of slavery in Texas, and declaring that abolition would be a *great moral triumph for Mexico.* Your Department will not fail to remark that this despatch to Mr. Doyle appears to introduce a new and important condition into 'mediation.' . . .

"The British Government greatly desire the abolition of slavery in Texas as a part of their general policy in reference to their colonial and commercial interests and mainly in reference to its future influence on slavery in the United States." [2]

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[1] *Memoirs*, XI, 407.

[2] Smith to Jones, July 31, 1843; *Tex. Dip. Corr.*, II, 1116. Extracts from this letter, embracing the above passages, were sent to Calhoun by the Texan authorities, but *when* is uncertain.—(*Am. Hist. Assn. Rep.* 1899, II, 867.)

The day after the date of the despatch just quoted Ashbel Smith addressed a note to Aberdeen, which was intended, first, to make a record of the conversation of June 20 and, second, to "place on record the explicit disapproval by the Texan government of all proceedings having for their object the abolition of slavery in Texas."[1] And on the following day, August 2, Smith wrote a private letter to Anson Jones, the Texan Secretary of State, in which he said it was difficult to convey a correct idea of the course of conduct of the British government in relation to slavery in America. He did not wish to attribute to that government any sinister or covert purposes in Texas, but he believed that if money was necessary they would give it out of consideration for the interests of their own country, and in entire disregard of its influence on the prosperity of Texas. The abolition of slavery was the open and avowed policy of Great Britain everywhere, which they pursued in favor of their own commerce, manufactures, and colonial interests. He did not think they had any hostile or unfriendly feelings, but, on the contrary, "as much practical good-will for us as may be consistent with the vigorous perseverance in their abolition policy"; but he could not speak in terms of commendation of Mr. S. P. Andrews's friends, who were chiefly violent abolitionists, unfriendly to Texas and unscrupulous in the means they employed to accomplish their ends.[2]

On receiving these despatches the Texan Secretary of State wrote back that in reference to "the efforts making in Great Britain for the abolition of Slavery in Texas" it was only necessary to say that the government desired to be kept fully advised.

> "The subject as you are already aware and as you have very properly stated to Lord Aberdeen, cannot nor will not be entertained in any shape by this government."[3]

With this emphatic declaration of the policy of Texas the movement begun by Stephen Pearl Andrews really came to an end, although an echo of it persisted in Aberdeen's correspondence with Mexico, and the results upon the policy of the United States were extremely important.

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[1] Smith to Aberdeen, Aug. 1, 1843; Niles's *Reg.*, LXVI, 97.

[2] Smith to Jones, Aug. 2, 1843; Jones, 236.

[3] Jones to Smith, Sept. 30, 1843; *Tex. Dip. Corr.*, II, 1141.

The instructions to the British chargé in Mexico upon this subject, to which Aberdeen had referred in his conversation with Ashbel Smith, related primarily to the Robinson plan of settlement between Mexico and Texas. This plan Aberdeen thought did not go far enough, and Mexico's best policy would be to make a complete and full acknowledgment of Texan independence at once. He then, for the first time, brought up officially the question of abolition, which he proposed as the price that Texas was to pay for recognized independence. "It may deserve consideration," he wrote, "whether the abolition of slavery in Texas would not be a greater triumph, and more honourable to Mexico, than the retention of any sovereignty merely nominal." Of course the source of Aberdeen's inspiration is obvious. It was to be found in the suggestions made by the anti-slavery convention.[1]

This was made entirely clear by the instructions sent to Doyle by the next packet. A proposition, he was told, had been made by "the Tappan Committee" that Great Britain should "advance a loan to Texas to be applied to the purchase and emancipation of Texas slaves." A copy of the letter from the Foreign Office to the committee, declining to make the proposed loan, was enclosed with the instructions.

> "You will perceive," Aberdeen continued, "that Mr. Tappan is informed in that letter that if the State of Texas should confer entire emancipation on all persons within its territory, and make that decision permanent and irrevocable, H. M. Govt. would not fail to press that circumstance upon the consideration of the Mexican Government as a strong additional reason for the acknowledgment by Mexico of the independence of Texas. . . . It might be a point well worthy of the favourable consideration of the Mexican Govt., whether it would not be wiser and more consonant to their true interests, and even to their dignity, to waive the vain and objectionable consideration of nominal supremacy over Texas which they have included in the

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[1] Aberdeen to Doyle, July 1, 1843; E. D. Adams, 130.

propositions submitted by them through Mr. Robinson to the Govt. of Texas, and rather to substitute for it that of the absolute abolition of the principle of slavery."[1]

Santa Anna, however, cannot have cared anything about negro slavery as an abstract proposition. He had indeed expressed himself, according to Houston's not very trustworthy recollection, as thinking that it would be of great advantage to Mexico to introduce slave labor, thus enabling her to produce cotton, sugar, and coffee for export.[2] Certainly he and his associates would never have dreamed of surrendering the Mexican claim upon Texas in exchange for so barren an advantage as the abolition of slavery in that country, and Aberdeen's well-meant suggestion led to nothing.

At about the same time that Stephen Pearl Andrews visited England an American traveller of a very different description was also there. This was Duff Green, commonly known as "General" Green, presumably from a militia appointment in Missouri. He was a native of Kentucky, and had served as a private in the War of 1812. After that he had been a school-teacher, had kept a country-store, had been a surveyor in Missouri, a member of the legislature of that state, a member of the bar, and finally the editor of a St. Louis newspaper. In 1826 he bought an unimportant newspaper in Washington—the *Telegraph*—which for several years he continued to edit as a Jackson organ, and which seems to have proved ultimately unsuccessful. At the same time he became a resident of Maryland.

In the spring of 1843 Green was in London, and at the request of Delane, of the London *Times*, wrote a series of letters for that newspaper. According to his own account, he became acquainted while in London with Cobden, Peel, Aberdeen, Palmerston, Lord John Russell, and other influential persons. He was also constantly writing to Calhoun, to Everett (the American minister in London), to Webster, to the President of the United States, and to various other official people whom he undertook to advise as to how they should manage public affairs.

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[1] Same to same, July 31, 1843; *ibid.*, 138.

[2] Yoakum, II, 556.

Some time in July, 1843, he wrote to Upshur that a Mr. Andrews had been deputed by the abolitionists in Texas to negotiate with the British government, that Andrews had seen Lord Aberdeen and submitted a plan for organizing a company in England which was to advance a sum sufficient to pay for the slaves in Texas, and was to receive in payment Texan lands, and "that Lord Aberdeen has agreed that the British Government will guaranty the payment of the interest upon this loan, upon condition that the Texan government will abolish slavery."[1]

To Calhoun Green wrote that, as he was informed, Lord Aberdeen had told Ashbel Smith "that the British Govt. deem it so important to prevent the annexation of Texas to the United States that they were disposed to support the loan if it should be required to prevent annexation."[2] Green did not accurately report Smith's interview with Aberdeen, but the statements he sent produced a great effect upon the action of the government of the United States.

The moment Green's letter came into Upshur's hands he proceeded to take it as a text for instructions to Murphy in Texas. Upshur wrote that he had every reason to confide in the correctness of the statements made, and that there seemed no doubt as to the object in view, and none that the English government had offered its co-operation. If the proposal to abolish slavery in Texas had in fact engaged the attention of the British government, and the co-operation of that government in the plan had been pledged, it possessed an importance which demanded serious attention. It could not be supposed that England meant to limit her designs to the emancipation of the few slaves in Texas; she must have ulterior objects far more important to her, and far more interesting to the United States. These objects could only be the abolition of "domestic slavery throughout the entire continent and islands of America in order to find or create new markets for the products of her home industry, and at the same time destroy all competition with the industry of her colonies." Sugar and cotton could not be produced to any considerable extent on the continent of America by the labor of white men, and of course if slavery could be abolished on the continent the great rivals of her colonial industry would be removed. "No other adequate motive," said Upshur, "can be found for her determined and persevering course in regard to domestic slavery in other countries."

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[1] The original of this letter was never produced. An extract only is printed in H. R. Doc. 271, 28 Cong., 1 sess., 18. The statements here attributed to Andrews correspond closely with those which Ashbel Smith reported him as making.—(*Tex. Dip. Corr.*, II, 1100.) Aberdeen, however, told Everett that when the proposals in respect to a loan were submitted to him, "he had given them no countenance whatever," and that he had at once rejected the suggestion.—(Everett to Upshur, Nov. 3, 1843; H. R. Doc. 271, 28 Cong., 1 sess., 39.)

[2] Green to Calhoun, Aug. 2, 1843; *Am. Hist. Assn. Rep.* 1899, II, 846. The letter is wrongly dated as of 1842.

So far as Texas was concerned Upshur discerned further motives.

> "Pressed by an unrelenting enemy on her borders, her treasury exhausted, and her credit almost destroyed, Texas is in a condition to need the support of other nations, and to obtain it upon terms of great hardship and many sacrifices to herself. If she should receive no countenance and support from the United States, it is not an extravagant supposition that England may and will reduce her to all the dependence of a colony, without taking upon herself the onerous duties and responsibilities of the mother country. The aid which it is said she now offers toward the abolition of slavery, although probably not the first, is a very important step; it will be followed by others, which will not fail to establish for her a controlling influence for many years to come. The United States have a high interest to counteract this attempt, should it be made."

There was still another point of view, and that was "the establishment, in the very midst of our slave-holding States, of an independent government, forbidding the existence of slavery, and by people born for the most part among us, reared up in our habits, and speaking our language." If Texas were in that condition, her territory would afford a ready refuge for fugitive slaves from Louisiana and Arkansas, which would lead to constant collisions along the border. The difficulty would be much greater than that which existed within the Union as between slave-holding and non-slave-holding states. Nor was there any just analogy between Texas and Canada. Canada could not be reached by land without passing through the free states of the Union, and was therefore only "the secondary recipient of the fugitive slave."

For these reasons Upshur commended the subject to Murphy's most vigilant care. "Few calamities could befall this country more to be deplored than the establishment of a predominant British influence and the abolition of domestic slavery in Texas." [1]

It is not easy at this day to understand or to judge impartially the mental attitude of men like Tyler and Upshur when dealing with questions relating to the existence of slavery. Both of these men, and a large proportion of those by whom they were surrounded in the cabinet and in Congress, were slave-owners, as their fathers had been before them for many generations. Many of them were men of education, usually with strong religious beliefs, charitable and well-meaning. They habitually lived for a considerable time in each year an isolated life, away from large affairs, and the currents of trade and of national and international opinion. It was only while in Washington that they experienced the bracing contact with other minds. At home the men who were apt to represent the South in the cabinet and in Congress were generally the most conspicuous personages and the oracles of their neighborhood. They lived much in the past, their ideas of politics and history were those in vogue shortly after the adoption of the federal Constitution, and they were, as a class, intensely conservative.

Conscious of good intentions themselves, and knowing or believing that their own slaves were treated with kindness and cared for in sickness and old age, they were slow to believe that other owners were less humane or that there was any real hardship in the lot of the Southern negroes. As time went by their opinions on the subject of slavery had been slowly modified. Their fathers had looked upon the institution as a national misfortune; but throughout the South many of the public men of Tyler's time had gradually come to persuade themselves that slavery was so far from being an evil that it was in reality a great blessing to the slaves themselves, as well as to the white people of the South.

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[1] Upshur to Murphy, Aug. 8, 1843; H. R. Doc. 271, 28 Cong., 1 sess., 18-22.

The economic and social status of the whole South rested upon the existence of slavery. The older of these states had been developed for two centuries, and their industries had been carried forward by the use of slave labor. It was hard for men brought up in the midst of such conditions to see how a community could change habits which were so deeply rooted in custom; and it was indeed generally believed (as Upshur said) that the greater part of the agriculture of the South was impossible except by the use of negroes, who could thrive in a climate which was thought to be deadly to white men. It was, moreover, the honest conviction of most people at the South that free negroes were shiftless and lazy, and that they never could be induced to work.

No one who had any responsibility for the administration of the American government ever failed to perceive the enormous difficulties in the way of abolishing slavery. Northern statesmen, even those most hostile to the institution, offered no solution of the problem; and as time went on they came more and more strongly to believe in the policy of limiting the extension of slavery, hoping that if the evil were confined it might at some time cure itself.

The people of the South were of course forced into looking at the difficulties of emancipation from a closer and more personal stand-point than that which was occupied by people in the North. The whole South was possessed by a perfectly genuine, though very likely an exaggerated, dread of negro risings, and almost every provision of local statutes dealing with the status of slaves was based upon the notion of forestalling what Southern legislators looked upon, not without some justification, as a possible and an immeasurable calamity.

As the summer of 1843 passed by the American administration became more and more nervous on the subject of British interference—a menace of which the Texan agents made good use. On August 10 Van Zandt had an interview with Upshur on the subject, and in a private letter to the Texan Secretary of State wrote that he thought Upshur was disposed "to act up to my most sanguine expectations in relation to Texas"; that he was fully alive to the important bearing which slavery in Texas had upon the United States; and that he had expressed alarm lest England was attempting to exercise some undue influence upon Texan affairs. Van Zandt said he had replied that England had always professed and evinced a great desire to secure peace, but if she did intend or was actually trying to obtain an undue influence over Texas the best way to counteract her efforts was for the United States "to act promptly and efficiently." Upshur replied that nothing should be lacking on his part to secure peace for Texas and to advance its prosperity, that he conceived the interests of the two countries to be closely connected, and that he could best serve the interests of the United States by promoting those of Texas. Van Zandt, however, pointed out in writing to Anson Jones that the other branches of the government, and especially the Senate, were not disposed "to aid Mr. Tyler in his views upon any important national question; therefore, his efforts, no odds how laudable they may be, will meet with more or less opposition." [1]

A few weeks after this conversation between Upshur and Van Zandt strong confirmation was received of the current reports as to British efforts to bring about emancipation in Texas. Lord Brougham had asked a question in Parliament about negotiations with Texas and Mexico. He looked forward, he declared—

> "most anxiously to the abolition of slavery in Texas, as he was convinced that it would ultimately end in the abolition of slavery through-

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[1] Van Zandt to Jones, Aug. 12, 1843; Jones, 244.

> out the whole of America. He knew that the Texians would do much, as regarded the abolition of slavery, if Mexico could be induced to recognize her independence. If, therefore, by our good offices, we could get the Mexican government to acknowledge the independence of Texas, he would suggest a hope that it might terminate in the abolition of slavery in Texas, and ultimately the whole of the southern states of America."

Aberdeen had replied that no one was more anxious than himself to see the abolition of slavery in Texas, and that though he must decline to produce papers or give further information it did not arise from indifference, but from quite a contrary reason; "but he could assure his noble Friend that, by means of urging the negotiations, as well as by every other means in their power, Her Majesty's ministers would press this matter."[1]

On receiving the newspaper reports of Aberdeen's remarks, Upshur on September 22, 1843, sent confidential instructions to Murphy, expressing the regret of the American government that there should be any misunderstanding in Texas as to the feelings of the United States toward that country, which it had every motive to encourage and aid in all honorable courses. The government of the United States had every desire to come to the aid of Texas, although how far it would be supported by the people was regarded as somewhat doubtful. "There is no reason to fear that there will be any difference of opinion among the people of the slave-holding States, and there is a large number in the non-slave-holding States with views sufficiently liberal to embrace a policy absolutely necessary for the salvation of the South, although in some respects objectionable to themselves." In fact, said Upshur, the North had a much deeper interest in this matter than the South; for the policy which the South would pursue would simply give them security and no other advantage whatever. On the contrary, it would give them an agricultural competitor. The North, however, would be helped by acquiring a new market for its manufactures and a cheapening of the price of cotton.

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[1] Hansard, *Debates*, 3d ser., LXXI, 918.

It was hoped that the North would be soon convinced of this, and no effort would be spared to lay the truth before them. Texas had every motive to hold on to her present position, to yield nothing to British counsels or British influence. She might rest assured that the moment she committed herself to British protection she would be the lamb in the embrace of the wolf. Great Britain was already claiming an "ascendancy" in the Gulf of Mexico, and Murphy was urged to exercise "the most untiring vigilance of the movements of the British Government." [1]

Upshur also wrote at great length to Everett, in London, to the effect that the movements of Great Britain in respect to slavery demanded the serious attention of the American government, and he repeated and enlarged upon the theme developed in the instructions to Murphy, of the dangers that would be involved in the abolition of slavery in Texas.[2] Everett could not reply at once, for Aberdeen was in the country and Ashbel Smith in Paris; but as soon as practicable he sent long accounts of the information he had gathered from both sources as to the Stephen Pearl Andrews incident of the previous summer, and as to the policy of the British government. He particularly laid stress on Smith's assertion that no proposition had been made to Texas in which abolition was mentioned.[3]

But by the time Everett's reply was received President Tyler had fully committed himself to the policy of annexing Texas—a policy he had been considering for months. He had even discussed it with the Texan chargé d'affaires as early as the month of December, 1842. At that time the Whig Congress was certain to oppose anything Tyler suggested; but the elections of November, 1842, had resulted in the choice of a Democratic House of Representatives, and he thought the next Congress might prove favorable to annexation. Van Zandt, in due course, reported this conversation to his own government, and expressed the opinion that the time would soon come when it would be possible to conclude a treaty of annexation, and he again said that if this was desired by the government of Texas he ought to be furnished with full powers for that specific purpose.[1]

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[1] Upshur to Murphy, Sept. 22, 1843; *State Dept. MSS.* and see extracts in H. R. Doc. 271, 28 Cong., 1 sess., 25.

[2] Upshur to Everett, Sept. 28, 1843; *ibid.*, 27–37.

[3] Everett to Upshur, Nov. 3 and 16, 1843; *ibid.*, 38, 40. The statements made by Aberdeen were verbal. He assured Everett that he had at once rejected the proposal of a loan made by the Tappan committee. Smith's statements were contained in a private letter from Paris.—(Smith to Everett, Oct. 31, 1843; *Tex. Dip. Corr.*, II, 1145.)

Van Zandt's letter must have reached Texas about the beginning of February, 1843, and the prospect that annexation might now be carried through was well received by Houston and some of his friends. Houston at that time thought the prospect of an early annexation was hopeful. "I find," he wrote, "as news reaches me both from the United States and Texas, that the subject of annexation is one that has claimed much attention, and is well received"; [2] but the Texan government, with obvious good sense, declined to ask for annexation upon any such shadowy assurances of support in Congress as Van Zandt had up to this time been able to secure from President Tyler. Their policy was to "suffer matters to glide along quietly until the U States Govt decides upon the policy of annexation"; [3] and Van Zandt was instructed that the rejection by the United States of the former proposals for annexation had placed Texas in an attitude which would render it improper for her to renew the proposition. He was, however, authorized to say verbally that before Texas could take any action on the subject it would be necessary for the United States government "to take some step in the matter of so decided a character as would open wide the door of negotiation to Texas," in which event Van Zandt would be authorized "to make a treaty of annexation." [4] But Tyler was not yet ready to take a decided step toward annexation, and in July the Texan government, being then engaged in the preliminary negotiations for an armistice under the shadow of the Robinson proposals, instructed Van Zandt, in substance, that his authority to give verbal assurances of a readiness to treat of annexation were withdrawn; that it was thought best to postpone the subject pending the settlement of difficulties with Mexico; and that if the independence of Texas should be acknowledged by that power the question of annexation would be much simplified.[1]

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[1] Van Zandt to Terrell, Dec. 23, 1842; *ibid.*, I, 633.
[2] Houston to Eve, Feb. 17, 1843; *ibid.*, II, 128.
[3] Waples to Reily, May 12, 1842; *ibid.*, I, 559.
[4] Jones to Van Zandt, Feb. 10, 1843; *ibid.*, II, 123.

While Texas thus remained to all appearances cool and indifferent, the American administration was becoming eager in pursuit. All through August and September of the year 1843 Upshur was in a state of nervous excitement over the fear that British intrigues would result in the abolition of slavery in Texas. Cumulative evidence of this design kept arriving at the State Department, and he must have repeatedly importuned the President to take the first step in a negotiation which, if successful, would put an end forever to the possibility of British success in whatever objects it was striving for in Texas. At length the President gave way. Speaking of Upshur in an address delivered in 1858, Tyler said:

> "I remember how highly gratified he was when, after receiving voluminous dispatches from abroad, mostly bearing on the matter, I announced to him my purpose to offer annexation to Texas in the form of a treaty, and authorized him at once, and without delay, to communicate the fact to Mr. Van Zandt, the accomplished minister from that republic." [2]

It was on the twenty-second of September that Upshur instructed Murphy to use untiring vigilance in watching British movements, and on the eighteenth that he informed Van Zandt of the change in the attitude of the American government. They now contemplated, he said, early action, and he desired Van Zandt to communicate this fact to the Texan authorities, so that, if they still desired to conclude a treaty of annexation, their representative in Washington might be furnished with the necessary powers to act. Upshur also went on to say that such a treaty was "the great measure of the administration here," and that he believed it might be safely submitted to the next Senate. He also explained the grounds of his belief, "which were drawn from the views of various correspondents, and the manifestations of public sentiment in different parts of the country." Van Zandt said he told Upshur he doubted whether the power to negotiate would be given him, unless the proposition for annexation was positively made by the United States; to which Upshur replied that he could not then make a definite proposal, and thought it would not be proper to make it unless Van Zandt had the necessary powers—all of which the latter reported to his government, with a strong expression of his own opinion in favor of annexation.[1]

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[1] Same to same, July 6, 1843; *ibid.*, 195. These instructions were dated on the day Murphy was received as United States chargé, when he was writing of mysterious negotiations going on which he could not fathom, and which might be of vast consequence to his government.

[2] *Letters and Times of the Tylers*, II, 389.

Four weeks later, and without waiting to receive a reply to his verbal inquiry, Upshur addressed a note to Van Zandt in which he stated that recent occurrences in Europe had imparted a fresh interest to the subject of annexation, and although he could not offer any positive assurance that the measure would be "acceptable to all branches of this government," the administration would present it in the strongest manner to the consideration of Congress. He would therefore be prepared to enter upon negotiations for a treaty of annexation whenever Van Zandt was furnished with proper powers.[2] The "recent occurrences in Europe" to which Upshur referred were, of course, the dealings of Lord Aberdeen with the abolitionists in reference to slavery in Texas, the first news of which had reached the State Department in August. But what had at last impelled him to put his proposals in writing, weeks after he had been informed of the attitude of the British government, could only have been the threatening and warlike tone adopted by Mexico on the subject of annexation.[3]

The willingness of Texas to enter upon negotiations for

[1] Van Zandt to Jones, Sept. 18, 1843; *Tex. Dip. Corr.*, II, 207–210.
[2] Upshur to Van Zandt, Oct. 16, 1843; H. R. Doc. 271, 28 Cong., 1 sess., 37.
[3] See Sen. Doc. 341, 28 Cong., 1 sess., 89–94.

annexation seems to have been taken for granted by the American administration. No doubt a majority of the people of Texas would have welcomed the project with enthusiasm. But the Texan government was by no means committed to it, and approached the subject with a great deal of caution. In the first place, the bugbear of British interference with slavery did not excite much alarm in Texas. "The subject," says Jones, "was never once so much as mentioned or alluded to by the British minister to the government of Texas, except to disclaim in the most emphatic terms any intention on the part of England ever to interfere with it here."[1] On the other hand, the Texan government was very much afraid that if a treaty of annexation were concluded, Mexico might terminate the existing armistice, break off negotiations for peace, and again threaten, or even commence, hostilities against Texas; and that at the same time the British and the French governments, which had been instrumental in obtaining the cessation of hostilities, might cease their efforts at mediation, or possibly throw their influence into the Mexican scale.

Van Zandt was accordingly instructed on December 13 to notify the American government that Texas would not enter into the proposed negotiation. Two reasons were given. In the first place, it was thought that—

> "in the present state of our foreign relations, it would not be politic to abandon the expectations which now exist of a speedy settlement of our difficulties with Mexico, through the good offices of other powers for the very uncertain prospect of annexation to the United States however desirable that event, if it could be consummated, might be. Were Texas to agree to a treaty of annexation, the good offices of these powers would it is believed be immediately withdrawn, and were the Treaty then to Fail of ratification by the Senate of the United States, Texas would be placed in a much worse situation than she is at present."

In the second place, the Texan government, though duly sensible of the friendly feeling evinced by the President of the United States in the offer to conclude a treaty, was of opinion that "its approval by other branches of that government" would at least be very uncertain.

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[1] Jones, 82.

> "At this particular time, therefore, and until such an expression of their opinion can be obtained as would render this measure certain of success the President deems it most proper and most advantageous to the interests of this country, to decline the proposition for concluding a treaty."[1]

Other people held the same opinion as President Houston. Thus General Henderson, who had been the first representative of Texas abroad, and had been for a time Secretary of State, protested strongly to Anson Jones, the then Secretary, against a premature attempt to make a treaty.

> "When in the United States lately," Henderson wrote, "I received a letter from Van Zandt in which he expressed a strong hope of being able to consummate a treaty of annexation. I took the liberty to suggest the impropriety of making such a treaty unless he was certain of its ratification by the United States Senate. I am extremely anxious to see such a thing take place; but it does seem to me that Texas would be placed in an extremely awkward situation in regard to her intercourse, should the treaty be signed, and afterwards rejected by the United States."[2]

Upon this letter the gratified Jones indorsed the remark: "A shrewd and sensible letter this, and hits the nail on the head every time."

The Texan Congress met on December 4, 1843, three weeks after the date of the instructions to Van Zandt not to enter into negotiations, and in his annual message President Houston was silent on the subject of negotiations with the United States, but referred gratefully to the kind offices of the foreign governments which had contributed toward bringing about negotiations with Mexico for an armistice. Houston personally had been very much disturbed by the American offer, and told Elliot that he would never consent to a treaty of annexation, provided the independence of Texas were recognized by Mexico.[3] And in a public speech he had accused

[1] Jones to Van Zandt, Dec. 13, 1843; *Tex. Dip. Corr.*, II, 232-233.

[2] Henderson to Jones, Dec. 20, 1843; Jones, 278.

[3] Elliot to Aberdeen, Oct. 31, 1843; E. D. Adams, 151.

the United States of hostility to the interests of Texas, and held up Great Britain as her true friend.[1] It seems likely, however, that Houston and his cabinet very soon learned from conversations with members of Congress how strong the public opinion in favor of annexation really was.

The Texan representatives in the United States were also urging the policy of entering upon negotiations. "I hope," wrote Van Zandt, "that you will accept annexation. It will be the best move we can make."[2] A Texan naval officer who had been in the United States wrote that he had seen President Tyler and Mr. Upshur, and was "sorry to find the subject of annexation suspended by us. Mr. Upshur is a great advocate of this Measure."[3]

Van Zandt was also busy in trying to remove one, at least, of the obstacles which stood in the way of the Texan government. As he saw it, their chief objection to negotiations for annexation lay in their fear of an attack from Mexico; and therefore, entirely without instructions, he addressed a note to Upshur inquiring whether the President of the United States, after the signing of a treaty and before its ratification, would "in case Texas should desire it, or with her consent, order such number of the military and naval forces of the United States to such necessary points or places upon the territory or borders of Texas or the Gulf of Mexico, as shall be sufficient to protect her against foreign aggression."[4]

To this inquiry no written answer was returned at that time, but Van Zandt reported that he was verbally authorized by the Secretary of State, "who speaks by the authority of the President of the United States," to say to the Texan authorities—

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[1] Murphy to Upshur, Dec. 5, 1843; *State Dept. MSS.* Enclosed with this despatch were editorials from Texan newspapers criticising Houston's pro-British tendencies. On Dec. 26 Murphy wrote that the Congress was very hostile to Houston.

[2] Van Zandt to Jones, Oct. 22, 1843; Jones, 260.

[3] Tod to Jones, Oct. 25, 1843; *ibid.*, 261. Reference may also be made to Van Zandt's official despatches of Nov. 4 and 30, 1843; *Tex. Dip. Corr.*, II, 224, 228.

[4] Van Zandt to Upshur, Jan. 17, 1844; H. R. Doc. 271, 28 Cong., 1 sess., 89.

> "that the moment a treaty of annexation shall be signed a large naval force will be assembled in the Gulf of Mexico, upon the coast of Texas, and that a sufficient number of the Military force will be ordered to rendezvous upon the borders of Texas, ready to act as circumstances may require; and that these assurances will be officially given preliminary to the signing of the treaty, if desired by the Government of Texas; and that this Government will say to Mexico that she must in no wise disturb or molest Texas."[1]

In the same despatch in which Van Zandt reported these comforting assurances he also stated that he had taken the responsibility of withholding from the American government the fact that Texas refused to negotiate, because he had become convinced that there was now a "confident prospect" of a treaty being consented to by the Senate. This opinion was based chiefly on the impression that the measure would be regarded as a matter of national importance, "alike interesting to the whole Union." The general opinion in Washington was that Texas must either be annexed to the United States or become a dependency of Great Britain.

> "This view of the case has had an important influence upon many of the Senators of the non-slaveholding states. Were the question deprived of this feature I should dispair of its success. . . . I feel confident that we may rely upon the entire vote of the south and west, regardless of party, while at the north we may calculate on the whole democratic vote, and many say Mr. Tallmadge of the Whig party, though the latter may be considered doubtful."

At about the time that Van Zandt was thus reporting on affairs in Washington, Upshur was writing another long and confidential letter to the American chargé in Texas, dealing with the general subject of annexation. "You are probably not aware," he said, "that a proposition has been made to the Texan government for the annexation of that country to the [illegible]ted States. This, I learn from the Texan chargé, has been for the present declined." But Upshur expressed himself as not disappointed, for he thought it not surprising that that government should hesitate "in the present state of its interest" to make any further movement toward annexation. So long as the success of the measure in the American Congress was doubtful he considered it only natural that Texas should be disinclined to hazard the friendship of other powers by an unsuccessful appeal to the United States. At the same time he had no doubt as to the unanimous wishes of the people of Texas.

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[1] Van Zandt to Jones, Jan. 20, 1844; *Tex. Dip. Corr.*, II, 239–243.

Upon the action of the American Congress Upshur did not profess to speak with absolute certainty, although he said he felt "a degree of confidence in regard to it which is little short of absolute certainty."

> "The more the subject is discussed among our statesmen, the more clearly does it appear that the interest of both countries absolutely requires that they should be united. When the measure was first suggested, although the entire South was in favor of it, as they still are, it found few friends among the statesmen of the other States. *Now*, the North, to a great extent, are not only favorable to, but anxious for it; and every day increases the popularity of the measure among those who originally opposed it. Measures have been taken to ascertain the opinions and views of Senators upon the subject, and *it is found that a clear constitutional majority of two-thirds are in favor of the measure.* This I learn from sources which do not leave the matter doubtful; and I have reason to know that President Houston himself has received the same information from sources which will command his respect. There is not, in my opinion, the slightest doubt of the ratification of a treaty of annexation, should Texas agree to make one."

As to the importance of the measure, Upshur professed "a deep and solemn conviction" that it involved the destinies of both Texas and the United States "to a fearful extent." In the first place, he believed that if Texas made concessions to England it would lead to irritation between the United States, on the one hand, and Texas and Great Britain, on the other. Texas would be populated by emigrants from Europe, and the country would soon be subject to the control of a population who were anxious to abolish slavery. To this England would stimulate them, and would furnish the means of accomplishing it. With such causes at work war between the United States and Texas would be inevitable.

> "England will be a party to it, from necessity, if not from choice; and the other great powers of the world will not be idle spectators of a contest involving such momentous results. I think it almost certain that the peace of the civilized world, the stability of long established institutions, and the destinies of millions, both in Europe and America, hang on the decision which Texas shall now pronounce."[1]

Such, then, was the attitude of the governments of the United States and Texas in the middle of January, 1844. Tyler and his Secretary of State were eager and hopeful for the success of the project, and were professing—probably quite sincerely—the belief that a failure to carry it forward might result in the most serious calamities. On the other side were Houston and his Secretary of State, urged on by a nearly unanimous population, but held back for the time being by the fear that the making of a treaty might be the signal for an actual invasion at last by the Mexican forces.

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[1] Upshur to Murphy, Jan. 16, 1844; H. R. Doc. 271, 28 Cong., 1 sess., 43–48. Italics in original.

CHAPTER XXIII

TYLER'S TREATY OF ANNEXATION

General Almonte, the Mexican minister in Washington, arriving at his post late in the year 1842, lent an attentive ear to all the gossip that floated about the capital in reference to Texan affairs. All that he learned led him to urge again and again upon his government the importance of speedy military action to reconquer Texas. The newspapers, he wrote, were full of reports that France, England, and the United States had instructed their ministers to offer mediation. He did not think that much attention should be paid to these proposals, for this was the last resort of the demoralized Texans. It was essential, in his judgment, not to let this opportunity of recovering Texas escape, for if it was not improved it never would recur again.[1] A little later he wrote that public opinion in the United States with respect to Texas had never been more favorable for Mexico. He hoped to obtain from the President a proclamation of neutrality, which would serve to discourage emigration to Texas, and would give Mexico the right to treat "with rigor" those who might be found, in spite of warnings, within the revolted territory.[2] Six weeks afterward he was less hopeful. Public opinion, he reported, was still favorable to Mexico, but he could not be certain how long it would so continue if unfortunately the campaign against Texas was not begun in March or April. Up to the time of writing no proposition for the admission of Texas to the Union had been made, but he did not doubt that at the next session of Congress, in December, 1843, this would be one of the principal matters under discussion. By that time he hoped that Texas would be garrisoned by Mexican troops. The Oregon question with England was full of difficulties, and might result in a war between England and the United States.

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[1] Almonte to Minister of Relations, Nov. 15, 1842; *Secretaría de Relaciones Exteriores, Mexico, MSS.*

[2] Same to same, Dec. 12, 1842; *ibid.*

> "Let us hasten," he said, "to make ready for that event, since we cannot remain indifferent, and we have been too much injured not to take advantage of the occasion which presents itself to us, to obtain vengeance."[1]

Writing again only a few days later, he reported that the triumph of the national arms in the town of Mier had so discouraged the adventurers of Texas that all was confusion among them. They mistrusted each other and even suspected Houston of intrigues with Mexico. No better occasion, therefore, could be presented for recovering the territory, and it was necessary to lose no time, for the Southern members of Congress had intentions with respect to Texas; at the next session they would have a majority, and it would not be surprising if their project should be carried forward. It was therefore, he continued, essential—

> "to make good use of the time which will elapse between the close of the present session, which will be the fourth of next March, and the first Monday of December next when the new Congress will meet. It is important that by that time, if the reconquest of Mexico is not complete, at least operations shall be well advanced. If it is not so, I repeat that I fear there may be a reaction in favor of those adventurers and then it will be extremely difficult for us, not to say impossible, to get public opinion again in our favor as it is at present."[2]

On the fourth of March Almonte saw his worst fears confirmed by the publication of a document signed by John Quincy Adams, Giddings, and eleven other members of Congress, a copy of which he enclosed, and again he urged that before the next session of Congress some part of Texas should be occupied, since this would serve to defeat the plans of the friends of Texas by showing that the United States could not occupy, except at the cost of a war with

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[1] Same to same, Jan. 25, 1843; *ibid.*

[2] Almonte to Minister of Relations, Feb. 7, 1843; *Sec. de Rel. Ext. MSS.*

Mexico, points which were already occupied *de facto* and *de jure* by the Mexican government.[1]

The paper which Almonte enclosed was dated March 3, 1843, and was widely circulated in the American press. Its signers, in the most positive language, asserted that a large part of the Southern states had solemnly and unalterably determined that the plan of annexing Texas should be speedily carried into execution, so that "the undue ascendency of the slave-holding power of the government shall be secured and riveted beyond all redemption." The effort to accomplish this purpose had already, it was said, led to settlements in Texas by citizens of the United States, to the creation of difficulties with the Mexican government, to the bringing about of a revolt, and to the declaration of an independent government; and all the attempts of Mexico to reduce "her revolted province" to obedience had proved unsuccessful because of the unlawful aid of individuals in the United States and the co-operation of the American government. The open and repeated enlistment of troops within the United States and the occupation of Nacogdoches by Gaines's troops "at a moment critical for the fate of the insurgents," the entire neglect of the United States government to prevent "bodies of our own citizens enlisted, organized and officered within our own borders and marched in arms and battle array upon the territory and against the inhabitants of a friendly government, in aid of free-booters and insurgents," and the "premature" recognition of the independence of Texas, were all brought forward as proofs that annexation and the formation of several new slave-holding states had always been the policy and design of the South and of the national executive.

Thus far the address was simply a reproduction of the assertions which had been originally made by Benjamin Lundy eight years before, and which had formed the constant themes of Mexican official communications. But what made the address remarkable was the suggestion that annexation would be a violation of the national compact and "identical with dissolution"; that it would be an attempt to "eternize" slavery; and that this would be so unjust and so injurious to the interests and feelings of the people of the free states as to justify fully a dissolution of the Union.[1]

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[1] Same to same, March 4, 1843; *ibid.*

The spectacle of an ex-President of the United States advocating a dissolution of the Union was not likely to commend itself to sober-minded citizens, and the address was not much heeded within the limits of the United States, but in Mexico it met with a more congenial reception. It was naturally not very easy for Mexican officials to know what weight to attach to an address of this description, and it seems to have been considered wise, after some weeks of consideration, to announce the opposition of Mexico to any project of annexation and the determination of the Mexican government to take vigorous measures. The first step was to issue a proclamation, on June 17, 1843, directing that in future no quarter should be granted to any foreigner who invaded the territory of the republic, "whether he be accompanied in his enterprise by a few or by many adventurers . . . and all such persons taken with arms in their hands shall be immediately put to death."[2] This was followed by a note from the Minister of Foreign Relations to the American minister in Mexico, declaring that the Mexican government would consider the passage of an act for the incorporation of Texas with the United States as equivalent to a declaration of war against the Mexican republic.

What with Adams and his friends on one side and Mexico on the other, the United States was thus threatened with both civil and foreign war. Calmly considered, neither of these threats was very formidable; for neither was backed by any respectable force.

So far as Mexico was concerned Thompson made short work of her protest. He instantly replied that the direct threat of war made by the Mexican Minister of Foreign Relations precluded any explanation whatever upon the subject. The American government, he said, had no desire for a war with Mexico; but if anything could excite such a feeling it would be a constant repetition of threats, which he requested might not be repeated. If intended for intimidation they would have no effect, and if as a warning they were not necessary.

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[1] Niles's *Reg.*, LXIV, 173.

[2] Sen. Doc. 1, 28 Cong., 2 sess., 34.

This reply was approved by the State Department, but Thompson was instructed that if he should be again addressed in terms so offensive, he must demand that the letter be withdrawn or that a suitable apology for it be made. "You will at the same time inform the Mexican government that you can hold no intercourse with it, except on such terms of courtesy and respect as are due to the honor and dignity of the United States."[1]

Almonte, the Mexican minister in Washington, took up the subject in the following November in an even more warlike spirit. The Mexican government, he wrote to the State Department, had well-grounded reasons to believe that the Congress of the United States, at its next session, would discuss the annexation of a part of the Mexican territory to that of the United States. Any such measure, if carried into effect, would be considered by Mexico as a direct aggression. If the United States should, in defiance of good faith and of the principles of justice, commit the unprecedented outrage (*inaudito atentado*) of appropriating to itself an integral part of the Mexican territory, the act of the President in approving the annexation of Texas, would, said Almonte, terminate his own mission, as the Mexican government was resolved to declare war the moment it was informed of such an event.

Upshur replied that as General Almonte had made no inquiry from the State Department concerning the facts upon which his letter was founded it was unnecessary either to admit or deny the design imputed to the Congress of the United States.

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[1] Bocanegra to Thompson, Aug. 23, 1843; Thompson to Bocanegra, Aug. 24, 1843; Bocanegra to Thompson, Sept. —, 1843; Upshur to Thompson, Oct. 20, 1843; Sen. Doc. 341, 28 Cong., 1 sess., 89–94.

"As to the threat of war made in advance, in the name and by the express order of the Mexican Government, the undersigned reminds General Almonte that it is neither the first nor the second time that Mexico has given the same warning to the United States, under similar circumstances. The undersigned had hoped that the manner in which these threats have heretofore been received and treated had clearly shown to the Mexican Government the light in which they are regarded by that of the United States. The undersigned has now only to add, that as his Government has not, in time past, done any thing inconsistent with the *just* claims of Mexico, the President sees no reason to suppose that Congress will suffer its policy to be affected by the threats of that Government. The President has full reliance on the wisdom and justice of Congress, and cannot anticipate that any occasion will arise to forbid his hearty co-operation in whatever policy that body may choose to pursue, either towards Mexico or any other Power.

"In conclusion, the undersigned reminds General Almonte that this Government is under no necessity to learn, from that of Mexico, what is due to its own honor or to the rights of other nations. It is therefore quite unnecessary that General Almonte, in his future communications to this department, should admonish this Government either to respect its duties or to take care of its reputation, in any contingency which the Mexican Government may choose to anticipate."

Almonte replied, softening some of the expressions contained in his note, but intimating that Upshur's language implied ignorance of any project being in hand for the annexation of Texas or that the submission of such a question to Congress was under consideration, and he would "highly value" a formal declaration to that effect. To this Upshur answered that it was evidently impossible for him to disavow any purpose to annex Texas to the Union so far as the action of Congress might be concerned, and that, considering the attitude which Mexico had chosen to assume, such a disavowal on the part of the President could not be reasonably expected, whatever his views and intentions might be. He would, however, make what he called an "explicit explanation":

"Near eight years," he wrote, "have elapsed since Texas declared her independence. During all that time Mexico has asserted her right of jurisdiction and dominion over that country, and has endeavored to enforce it by arms. Texas has successfully resisted all such attempts, and has thus afforded ample proof of her ability to maintain her independence. This proof has been so satisfactory to many of the most considerable nations of the world, that they have formally acknowledged the independence of Texas, and established diplomatic relations with her. Among these nations the United States are included; and indeed they set the example which other nations have followed. Under these circumstances, the United States regard Texas as in all respects an independent nation, fully competent to manage its own affairs, and possessing all the rights of other independent nations. The Government of the United States, therefore, will not consider it necessary to consult any other nation in its transactions with the Government of Texas." [1]

Four days after Upshur's final letter to Almonte the President sent the correspondence with his annual message to Congress. He regarded it, he said, as not a little extraordinary that the government of Mexico, in advance of a public discussion on the subject of Texas, should so far have anticipated the result of such discussion as to have announced its determination to meet the decision of Congress by a formal declaration of war against the United States. If designed to prevent Congress from considering the question, the President had no reason to doubt that it would entirely fail of its object. Certainly the executive department of the government would not fail, for any such cause, to discharge its whole duty to the country.

No allusion was made in the message to any prospect of negotiations with Texas, but a large part of it was taken up by complaints against the action of the Mexican government in respect to various matters, such as a renewal of the prohibition against foreigners carrying on retail trade in Mexico. Particular stress was laid on the mode in which Mexico had conducted its war with Texas. This war, the President said, consisted for the most part of predatory incursions, which had been attended with much suffering to individuals, but had failed to approach to any definite result. Mexico had fitted out no formidable armament by sea or land for the subjugation of Texas. The interests of the United States were involved in seeing an end put to this state of hostilities, and the government could not be indifferent to the fact that such a warfare was calculated to weaken both powers, and finally to render them the subjects of interference on the part of stronger nations, who might attempt to bring about "a compliance with terms, as the condition of their interposition, alike derogatory to the nation granting them, and detrimental to the interests of the United States." After this fling at England, the President declared that he thought it becoming to the United States to hold a language to Mexico of an unambiguous character. It was time that this war ceased. There must be a limit to all wars; and if the parent state, after an eight years' struggle, had failed to reduce its revolted subjects to submission, she ought not to expect that other nations would look on quietly, to their own obvious injury.

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[1] Almonte to Upshur, Nov. 3, 1843; Upshur to Almonte, Nov. 8, 1843; Almonte to Upshur, Nov. 11, 1843; Upshur to Almonte, Dec. 1, 1843; Sen. Doc. 341, 28 Cong., 1 sess., 94–103.

The President's hints at British interference in the affairs of Texas excited Aberdeen's very pronounced indignation, and he instructed Pakenham to remonstrate with the American Secretary of State, and to point out that the President's language when speaking of the measures which the United States might have occasion to adopt accorded ill with his condemnation of the supposed designs of other powers.[1] At the same time instructions were sent to Lord Cowley, in Paris, stating that the President evidently contemplated the annexation of Texas, a measure which neither France nor England could look upon with indifference. The views of the French court were therefore to be ascertained, and a proposal made that they should join in a remonstrance to the American government.[2]

[1] Aberdeen to Pakenham, Jan. 9, 1944; E. D. Adams, 156. Copies of these instructions, and those of Dec. 26, 1843, to Pakenham (referred to below) were sent to the British legation in Mexico, and were read to Bocanegra by Bankhead at a long interview on March 29, 1844. Bocanegra asked what the object of the British government was in communicating all this, and Bankhead could only say that it was intended to show the frankness and friendliness with which the British government was acting.—(Memo. filed in *Sec. de Rel. Ext. MSS.*)

[2] Aberdeen to Cowley, Jan. 12, 1844; E. D. Adams, 158.

Cowley at once executed his orders, and reported that he found both the King and Guizot in perfect sympathy with Aberdeen's ideas. The King in particular expressed himself as thinking that the independence of Texas should be maintained, and a barrier thus opposed to the encroachment of the United States, "whose object was not only to take possession of Texas, but at some future period to make that province a stepping-stone to Mexico."[1] But notwithstanding the harmony of the British and French governments in agreeing to instruct their agents in Washington to protest against annexation, no such instructions were sent at that time.[2]

Meanwhile, the Texan administration was reluctantly being pressed toward annexation. Houston and Anson Jones were undoubtedly, at that moment, opposed to the step; but they could not stand out indefinitely against the pressure of local public opinion and the evidences they were daily receiving of the eagerness of the American government. They had also some evidence of the temper of the American Senate, and they were constantly hearing the views of members of the Texan Congress; but before Houston would commit himself definitely to a negotiation he thought it prudent to submit the whole question of annexation to the latter body.

On January 20, 1844, he therefore sent a secret message to Congress, in which he asserted that he had carefully abstained during his present administration from expressing any opinion in reference to the subject, and he thought it unbecoming in him now to express any. He went on, however, to point out that if any effort were to be made on the part of Texas to effect the object of annexation, "which is so desirable," and such an effort should fail of acceptance by the United States, it might have a seriously prejudicial influence upon the course which England and France might otherwise be disposed to take, and might to a great extent diminish the claims of Texas to the confidence of other nations and create distrust on their part. For these reasons "the utmost caution and secrecy on our part, as to the true motives of our policy, should be carefully observed." If annexation could not be obtained, at any rate, "a treaty of alliance, defensive at least," might be entered into with the United States. Immediate action was desirable, as the American Congress would be likely soon to indicate their disposition and course of policy toward Texas. Action, however, must be taken first by the United States, "and we must now watch and meet their disposition towards us. If we evince too much anxiety, it will be regarded as importunity, and the voice of supplication seldom commands great respect." He therefore proposed the appointment of "an additional agent to the Government of the United States to co-operate with our agent there." [1]

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[1] Cowley to Aberdeen, Jan. 15, 1844; *ibid.*, 159. The traditional policy of France had always been opposed to the growth of the United States. See the point discussed in McLaughlin's *The Confederation and the Constitution*, 89.

[2] Smith reported, after a conversation with Guizot in February, that the French and British governments had united in a protest to the United States against the annexation of Texas.—(Smith to Jones, Feb. 29, 1844; *Tex. Dip. Corr.*, II, 1481.) But no instructions to this effect have been found in the archives, and certainly no such protest was ever received.

Without waiting for the action of the Texan Congress upon this proposal, instructions were sent to Van Zandt, in Washington, directing him to begin negotiations for a treaty of annexation, provided he was "satisfied that the door will be opened by the Congress of the United States . . . in any manner which may seem to ensure certain success." The main outlines of a treaty were suggested, but Van Zandt was told that there were many points of minor importance, as to which instructions would be furnished "so soon as this government is advised of the fact that the measure of annexation is made *certain* to Texas by the action of the present Congress or Senate of the United States." In that event, if the Texan Congress voted an appropriation, a special minister to act in conjunction with Van Zandt would be sent.[2]

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[1] Van Zandt in his despatch of Sept. 18, 1843, above referred to, had suggested that, in view of the great importance of the business, some other person might be empowered to represent Texas.—(*Ibid.*, 210.) See J. H. Smith's *Annexation of Texas*, 160–162, as to the pressure brought to bear by the Texan Congress upon Houston.

[2] Jones to Van Zandt, Jan. 27, 1844; *Tex. Dip. Corr.*, II, 248. Italics in original.

The Texan Congress did not act upon Houston's message until just before its adjournment on February 5, 1844, when an appropriation of five thousand dollars was made to cover the expense of an additional representative at Washington; and on the tenth of February, Houston sent for General J. Pinckney Henderson to offer him the position thus created. Henderson, as appeared from his letter of the previous December, was strongly in favor of annexation, but very much opposed to signing a treaty unless its ratification was certain; and in this he was fully in accord with the views then publicly professed by the Texan administration.

Their views had, however, been in some measure modified by the receipt of Van Zandt's despatch of the twentieth of January, in which he reported the willingness of the American government to protect Texas against Mexico after a treaty was signed. It seems to have been thought by Houston and his advisers that if these assurances were put in a more definite shape, it would be safe to proceed, even without any certainty as to what the American Senate might do.

The first step was, therefore, to get a written undertaking from Murphy, who called upon President Houston, on the same tenth of February, to present to him Upshur's views as contained in the instructions of January 16, urging the pressing importance of annexation. Murphy was surprised and, of course, greatly pleased to learn that the Texan government had at last determined to negotiate, and he accepted without a protest the statement that before actually entering upon the business, a promise would be required from him that the United States would protect, or aid in the protection of Texas, pending the proposed negotiation. This promise Murphy readily gave.

> "I trust," he said, "my Government will at once see the propriety of this course of policy; for I found it impossible to induce this Government to enter heartily into the measure of annexation without an assurance that my Government would not fail to guard Texas against all the evils which were likely to assail Texas in consequence of her meeting and complying with the wishes of the United States. . . . I

> took upon myself a great responsibility, but the cause required it, and you will, I hope, justify me to the President."[1]

With this official despatch Murphy sent a hastily scribbled note, marked "Confidential."

> "The President of Texas," it ran, "begs me to request you that no time be lost in sending a sufficient fleet into the Gulf, subject to my order, to act in Defence of the Texan Coast, in case of a naval descent by Mexico and that an active force of mounted men, or cavalry be held ready on the line of U. S. contigeous to Texas to act in her defence by land—for says the President 'I know the Treaty will be made & we must suffer for it. If the U. States is not ready to defend us'—do comply with his wishes immediately.
>
> "Yours truly in great Haste, as the Express is ready mounted & waiting at the Door
>
> "W. S. Murphy."[2]

Nothing could better paint Houston's frame of mind than this hurried scrawl, with its almost pathetic entreaty for ships and troops "contigeous" to the border, and the expression of a conviction that Texas "must suffer for it," if the treaty were made. However, Houston had now done what he could to guard against the evil he anticipated; and Henderson, having accepted the task assigned to him, was duly furnished with his commission and full powers. No detailed written instructions were given him at the time, as he was told that the President placed great reliance upon his skill, judgment, and intimate knowledge of the subject. Only one condition was imposed. Before entering upon the negotiation, measures must be taken to obtain from the American government as full a guarantee as that given by Murphy.[3]

On February 25, 1844, further instructions were sent, to the effect that the Texan representatives were to be guided by views previously expressed; but they were further directed to see that provision was made for ultimately erecting four states out of the Texan territory, that the Texan navy was to be paid for by the United States, and that the boundary was to extend to the Rio Grande.[1]

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[1] Murphy to Upshur, Feb. 15, 1844; H. R. Doc. 271, 28 Cong., 1 sess., 92.

[2] *State Dept. MSS.*

[3] Jones to Henderson, Feb. 15, 1844; *Tex. Dip. Corr.*, II, 252.

At the very time these preliminary discussions looking to annexation were going on, the commissioners who had been sent to Mexico to conclude an armistice were still proceeding with their negotiations without a hint from their own government that any change was intended in its policy. As late as the third of February Houston was writing them, expressing a hopeful feeling as to the result of their labors, and alluding quite casually to the rumor that there was much excitement in the United States in relation to annexation.[2] The Texan commissioners persevered, and on the eighteenth of February signed an agreement with the Mexican representatives which was sent to Houston for his approval.

Houston's conduct in the matter was, to say the least of it, wanting in candor. He rejected the agreement without notice to Mexico, and without any statement of his reasons. Later on it was explained that the ground for his action was the fact that the agreement referred to Texas as a "Department" of Mexico; but the real reason was, of course, the fact that he had embarked upon hopeful negotiations with the United States, and that he wished to gain time by keeping Mexico in ignorance of his purpose.[3]

By the end of March, 1844, the Texan administration had thus secretly but definitely abandoned the policy of attempting to make peace with Mexico, and had thrown themselves unreservedly into the arms of the United States. Their decision was officially made known in a despatch to the Texan representatives in Washington, who were now instructed that if they were unable to conclude a treaty of annexation "within the limits of the instructions" already given them, they were vested "with discretionary powers to conclude said Treaty upon the best terms possible to be attained."[1] Houston and his cabinet were ready to take anything they could get.

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[1] Jones to Henderson and Van Zandt, Feb. 25, 1844; *ibid.*, 259.

[2] Houston to Hockley and Williams, Feb. 3, 1844; *ibid.*, 786–789.

[3] Yoakum, II, 421. See also Houston to Van Zandt and Henderson, May 10, 1844, and Jones to same, March 26 and May 2, 1844; *Tex. Dip. Corr.*, II, 278, 265, 276.

The steps preparatory to a treaty of annexation had not been so secretly taken but that some account of the action of Congress reached the newspapers, and the British chargé d'affaires wrote asking for explanations on the subject of Henderson's mission. Such explanations, he thought, were due to the governments of Great Britain and France,

> "for it is not to be supposed that they could continue to press the government of Mexico to settle upon one basis while there was any reason to surmise that negotiations were either in actual existence or in contemplation, proposing a combination of a totally different nature."[2]

Elliot also wrote privately to Jones, the Secretary of State, expressing a hope that the answer of the Texan government would be satisfactory and his conviction "that the President has not the least intention, so far as he or his Cabinet is concerned, of sacrificing the independence of the country and the well-founded hope of an honorable and early adjustment, to the exigencies of party spirit, and intrigue and electioneering trick in any quarter whatever."[3]

In reply, Elliot was informed that, although Texas had the greatest confidence in the good-will of the British government, she felt that there was no prospect of any result from mediation. The negotiations for an armistice had failed. The Texan prisoners had not been released. The British minister at Mexico had quarrelled with the Mexican government, and had ceased to hold any intercourse with them.[4] There was no assurance from either England or France that Santa Anna would not immediately invade the Texan frontiers. Under these circumstances, as the proposition for annexation had been made by the United States government, and as pledges had been given by it for protection against her enemy, the republic had accepted the American proposals for the sake of peace and future security.[1]

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[1] Jones to Van Zandt, March 26, 1844; *ibid.*, II, 266.

[2] Elliot to Jones, March 22, 1844; Niles's *Reg.*, LXVIII, 35.

[3] Elliot to Jones, March 22, 1844; Jones, 330.

[4] The quarrel arose over a display, at a ball given by Santa Anna, of a British flag, among trophies captured from the Texans in New Mexico.

With these explanations Elliot had perforce to be content. He had written to the British Foreign Office as late as February 17 that any immediate danger of annexation was at an end, and he seems at that time to have felt confident that independence for Texas was assured; but he was now reduced to consoling himself with the prospect that the American Senate would reject any treaty of annexation.[2]

Meanwhile Van Zandt was busy discussing with Upshur the terms of a treaty, and before Henderson had even left Texas all the main points had been agreed upon. Written drafts had been exchanged, and Van Zandt thought that if final instructions had then arrived "the treaty could have been concluded in half a day."[3]

During the period of these negotiations Almonte, on the other hand, had been hopeful and even confident that nothing would come of the agitation for annexation. In December, 1843, he had a long conversation with John Quincy Adams, who, he reported, assured him that the views of the South would not be realized, even though there was a majority in the House of Representatives in favor of the measure, because the Senate would be against it. Almonte felt confident, from this and other information, that, though there would be much talk, nothing would be done by Congress. Tyler, he said, had no popularity, and sensible people in the United States were all in favor of Mexico.[4] Some weeks later Almonte felt less confident. He still thought that Congress would do nothing about the annexation of

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[1] Yoakum, II, 427. See also calendar of printed correspondence; *Tex. Dip. Corr.*, II, 46.

[2] E. D. Adams, 155. Elliot was absent from Texas the greater part of the year 1844. He wrote from New Orleans on February 10, 1844, that he had had a good opportunity of judging the real state of feeling in the United States respecting annexation, and was persuaded it was entirely out of the question. —(Jones, 308.) His principal informant was Henry Clay. In his private letter to Jones of March 22, quoted above, he said that he was sure there was not the most remote chance of carrying the scheme of annexation through the United States Senate.—(*Ibid.*, 329.)

[3] Van Zandt to Jones, March 5, 1844; *Tex. Dip. Corr.*, II, 261.

[4] Almonte to Minister of Relations, Dec. 11, 1843; *Sec. de Rel. Ext. MSS.*

Texas, but in a conversation with Upshur on various matters the latter had alluded to the desire of his government to acquire the territory of Texas from Mexico by means of purchase. Upon this point Almonte wrote home asking for further instructions, and he expressed the opinion that if the campaign against Texas could not soon be begun it might perhaps be desirable to gain time by allowing the American government to entertain some hope that Mexico might be willing to negotiate on the subject.[1]

But before any instructions could be received Almonte had another interview with Upshur, who unreservedly explained his fears that Great Britain might exercise an influence over Texas deeply prejudicial to the interests and tranquillity of the United States. As the sole means of avoiding this evil, he proposed that Mexico should cede Texas to the United States in consideration of adequate compensation. After enlarging further upon the dangers of British interference in Texas, Upshur—

> "concluded by saying that for all these reasons the government of the United States desired to enter upon negotiations with the government of Mexico for the acquisition of Texas; but if it was unsuccessful in such negotiations, he would infinitely prefer to see Texas again in the possession of the Mexicans than under the influence of the British government, as the Mexicans were entirely unlike the Anglo-Americans, their origin, their language, their religion, their customs, etc., being totally different and they could not therefore inspire the same fear as the English, who had so many points of resemblance with the inhabitants of that country, who spoke the same language, and who could so easily mingle with them.
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> "He then added that he was positive that at least three-fourths of the inhabitants of Texas desired to be annexed to the United States; but that it would not be easy to foresee what course of conduct the Texan Congress might follow in this affair. For his part he wished to remove all cause of annoyance or conflict with Mexico, and he hoped our government would not consider the annexation of Texas to the United States as equivalent to a declaration of war on their part without first endeavoring to arrive at a full explanation.
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> "He next undertook to demonstrate the advantages which in his opinion would result to Mexico from the sale of Texas. He said that

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[1] Same to same, Jan. 25, 1844; *ibid.*

by this means the republic would be spared sacrifices of men and money; that instead of laying out its treasure to recover a country which would always be a source of expense, it would be better to receive in exchange a large sum which might be used for paying off a part of the foreign debt, or for making internal improvements in the country; that in that event the honor of Mexican arms would not run the risk of being exposed to the hazard of war; and that the honor of the nation would not suffer by treating, not with Texas, but with the government of the United States, who would undertake to make the Texans agree to abide by whatever the two governments might decide on."

Almonte thereupon asked whether the Secretary of State did not think that England would object, even if Mexico should be willing to enter upon the proposed negotiation. Upshur replied that whatever English opinion might be, the government of the United States was resolved, in case Mexico should agree to its proposition, to go to war with Great Britain if necessary.

This ended the conversation, Almonte promising to submit the matter to his government, but he remarked to Upshur that he hoped that before a negotiation was really in train the Mexican troops would have reached at least the centre of Texas, and thus put an end to the question. To his own government he expressed the opinion that Upshur's proposition should not be lightly dismissed, for two reasons. The first, that the opening of a negotiation would show definitely that the United States *did* recognize Mexican rights over Texas, notwithstanding their declaration to the contrary; and the second, because the United States would make no attempt to take the territory by force so long as it hoped to gain it by negotiation. He thought the reasons why the American government wished to negotiate were that it expected Congress would agree to admit Texas, and that it was feared a war with Mexico might follow which would bring about a separation between the Northern and Southern states. He thought that they also considered it "cheaper to negotiate than to fight for the acquisition of Texas." [1]

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[1] Same to same, Feb. 17, 1844; *ibid.*

Such was the condition of the negotiation for annexation when Henderson left Texas. He reached Washington on March 29, 1844. When he arrived at the seat of government Upshur was no longer alive.

On February 28 a number of people had been invited by the Secretary of the Navy to visit the new United States man-of-war *Princeton*, a vessel of only about six hundred tons, but which was remarkable as being the first naval vessel in any country that used a screw-propeller. She was designed and built by Ericsson, under the supervision of Captain Robert F. Stockton, U. S. N., and was justly regarded with great curiosity as a promising experiment. Reporting upon her when she was first ready for sea, Captain Stockton described her advantages as follows:

> "The advantages of the Princeton over both sailing-ships and steamers propelled in the usual way are great and obvious. . . . Making no noise, smoke, or agitation of the water, (and, if she chooses, showing no sail,) she can surprise an enemy. She can at pleasure take her own position and her own distance from the enemy. Her engines and water wheel being below the surface of the water, safe from an enemy's shot, she is in no danger of being disabled, even if her masts should be destroyed. . . . The Princeton is armed with two long 225-pound wrought-iron guns and 12 42-pound carronades, all of which may be used at once on either side of the ship. She can consequently throw a greater weight of metal at one broadside than most frigates. The big guns of the Princeton can be fired with an effect terrific and almost incredible, and with a certainty heretofore unknown."

The guns were indeed quite as much of a novelty as any part of the ship. They were known by the significant names of the *Oregon* and the *Peacemaker*, and they had been fired a number of times with what were then considered the enormous charges of from twenty-five to fifty pounds of powder.[1]

After lunch on board, and while the ship was returning to an anchorage near Washington, one of the pivot guns which had already been fired several times exploded, killing five persons and wounding more or less severely many others. Among those killed was the Secretary of State.

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[1] *Life of Commodore Stockton*, 82. See also Church's *Life of John Ericsson*, I, 117–139.

President Tyler's thoughts were now almost inevitably turned to John C. Calhoun as Upshur's successor, and as the man of all others to carry through the negotiation with Texas. For some years Calhoun had been fully committed to the policy of annexation. When the question of the recognition of Texas first came up in the Senate in 1836, he had declared that he was not only ready to recognize her independence, but to vote for her admission to the Union. "There were powerful reasons why Texas should be a part of this Union. The Southern States owning a slave population, were deeply interested in preventing that country from having the power to annoy them, and the navigating and manufacturing interests of the North and East were equally interested in making it a part of this Union." [1] Annexation he thought was a question of life and death, and he believed that opposition to it at the North was due to the fact that the people there had not sufficiently weighed the consequences of British policy, or the obligation of all sections to defend the South from the effects of British greed.

> "There is not a vacant spot left on the Globe," he wrote to a friend concerning Texas, "not excepting Cuba, to be seized by her, so well calculated to further the boundless schemes of her ambition and cupidity. If we should permit her to seize on it we shall deserve the execration of posterity." [2]

On the other hand, there were reasons why Calhoun should not be appointed, which were bound to weigh seriously with the President. The most obvious was the fact that he had long been talked of as a presidential possibility, and had quite openly announced his candidacy. It was to be expected that he would inevitably use his opportunities in the State Department as a means of advancing his political fortunes, and that he rather than Tyler (who had ambitions of succeeding himself in the presidency) would profit by success in foreign negotiations. Another reason, not to be avowed, but perhaps none the less potent on that account, was the uneasy feeling which Tyler must have entertained at the thought of having a stronger intellect and a more powerful will closely associated with him in the cabinet. But the immediate danger which the President apprehended from Calhoun's presence in the cabinet was the effect to be produced upon the Senate. He feared, and was justified in fearing, that senators who otherwise might have voted for annexation, would oppose it if it were known as Calhoun's measure.[1]

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[1] *Debates in Congress*, XII, 1531.

[2] Calhoun to Wharton, May 28, 1844; *Amer. Hist. Assn. Rep.* 1899, II, 594.

But Tyler's hand was in some sense forced. Wise of Virginia, who was one of Tyler's closest friends, gave Senator McDuffie of South Carolina to understand that he had the President's authority for saying that Calhoun would be appointed if he would accept the place. Tyler feared that if he disavowed Wise it would make matters worse, would offend McDuffie, and would thus jeopardize the success of the treaty in the Senate; and after some hours of hesitation he decided to ratify Wise's unauthorized statement, and to invite Calhoun to take up the work of the State Department.[2]

McDuffie wrote to Calhoun that he ought not to hesitate in accepting, and that this was the decided opinion of all his friends.

> "I mention to you in confidence that the Texas question is in such a state that in ten days after your arrival the Treaty of annexation would be signed, and from poor Upshur's account 40 senators would vote for it. The President says he has hopes of the acquiescence of Mexico. It is a great occasion involving the peace of the country and the salvation of the South, and your friends here have ventured to say for you, that no party or personal considerations would prevent you from meeting the crisis." [3]

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[1] Tyler was in hopes that a treaty could be signed before Calhoun could get to Washington. "The President stated that he was very desirous to have the treaty concluded at once and by Mr. Nelson the Attorney-General, who is Secretary of State *ad interim*, that he preferred he should do it instead of the gentleman to whom he intended to offer the permanent appointment."—(Van Zandt to Jones, March 5, 1844; *Tex. Dip. Corr.*, II, 262.)

[2] *Letters and Times of the Tylers*, II, 294.

[3] McDuffie to Calhoun, March 5, 1844; *Amer. Hist. Assn. Rep.* 1899, II, 934.

The President himself wrote to Calhoun that after a conversation with McDuffie and Holmes of South Carolina, and "in full view of the important negociation now pending between us and foreign Governments," he had sent his name to the Senate. The annexation of Texas and the settlement of the Oregon question were the great ends to be accomplished. The first was in the act of completion, and would admit of no delay. The last had but barely been opened.[1]

Calhoun had sent in his resignation from the Senate at the close of the short session of Congress in March, 1843, and had been devoting himself since that time with zeal and energy to securing a nomination for the presidency in 1844. Living upon his farm in South Carolina, he carried on an extensive correspondence with his friends, but in spite of that sort of encouragement which is never wanting to conspicuous candidates, he had become convinced very early in 1844 that his chances for that year at least were hopeless, and he had caused his withdrawal from the contest to be announced. The whole machinery of the Democratic party had in fact been carefully set in motion to effect the renomination of Van Buren, and it was the confident expectation of both parties that Van Buren would succeed.

At the time of his appointment as Secretary of State Calhoun was fifty-seven years old, and not in very vigorous health. He was a man in whom the powers of intellect had always prevailed at the expense of good judgment. His contemporaries described him as a thinking machine, and the cold and logical precision of his arguments seem to have produced an impression on the men of his day which it is not easy now to realize. Starting from premises which he accepted as accurate, he often reached conclusions which seemed to other minds absurd, and which might have seemed absurd to him also if he had lived a life that brought him into more active contact with affairs. Another man would have concluded that there was something wrong with either his premises or his argument; but Calhoun remained serene in the face of his absurdities. As one result of his mental isolation, he had no party back of him, and but little influence with the people outside his own state, although at the same time his striking abilities and his high character caused him to be regarded with respect throughout the country.

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[1] Tyler to Calhoun, March 6, 1844; *ibid.*, 938.

Calhoun undertook the duty of negotiating for the acquisition of Texas, and for the settlement of the outstanding controversy with Great Britain with apparent reluctance. He would do so, he said, only from a sense of duty, and he asked whether it might not be possible for him to be appointed as a special plenipotentiary to take charge of the two pending negotiations, and to let a Secretary of State be appointed to manage the other affairs of the department; but upon this suggestion he did not insist.[1]

Arriving in Washington on March 31, 1844, he lost no time in taking up the business of the treaty with the representatives of Texas, Mexico, and Great Britain. After some conversations with Van Zandt and Henderson, Almonte was sent for to come to the State Department, and he was there informed that a treaty of annexation was in contemplation, but that the American government was anxious to avoid any ill-feeling or controversy with Mexico. Calhoun said he would be pleased if Almonte could indicate some measure by which annexation could be accomplished without a breach with Mexico; to which Almonte replied that war would be inevitable if annexation were carried into effect without the consent of Mexico. Calhoun suggested the insertion of a clause in the proposed treaty, under which a certain sum of money should be provided as compensation. He said he had been speaking upon this subject with the Texan agents, and asked Almonte's opinion on that point. Almonte professed himself not authorized to give any opinion, and the only thing he could say was that he would have to ask for his passports as soon as he knew that any such treaty had been approved by the Senate. All that the American government, in his opinion, could do was to propose to Mexico the purchase of Texas. Whether it would be agreed to or not, he did not know. Such a proposal, he believed, would not offend Mexico, especially if France and England would agree with the United States and Mexico upon a guarantee that the American government would not in any case go beyond limits which might be fixed. Calhoun observed that Pakenham had already proposed to the American government to unite with the British government in urging upon Mexico the recognition of the independence of Texas, and that they should guarantee its independence; but that the American government had not agreed to co-operate in this project.

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[1] *Ibid.*, 575.

In reporting this conversation, Almonte observed that he did not believe Pakenham would approve of a sale of Texas; and he therefore thought it very probable that the annexation treaty would go to the Senate in the form which the Secretary of State had indicated. He hoped, however, that it might be possible to get a proposition in writing for the purchase of Texas, and he would use it to postpone action by the Senate until after the next presidential election. In the meantime, Mexico might recover Texas by force of arms.[1]

So far as the Texan representatives were concerned, the negotiation was taken up exactly where it was at the time of Upshur's death, with one extremely important exception. Nelson, the Attorney-General, had been appointed to take charge of the State Department *ad interim*, and in that capacity had replied to Murphy's despatch of February 15, 1844. Under date of March 11, 1844, Nelson expressed the President's satisfaction with Murphy's general attitude, but sharply disapproved the pledges given for the use of the army and navy of the United States.

> "The employment of the army or navy against a foreign power, with which the United States are at peace, is not within the competency of the President; and whilst he is not indisposed, as a measure of prudent precaution, and as preliminary to the proposed negotiation, to concentrate in the Gulf of Mexico, and on the southern borders of the United States, a naval and military force to be directed to the defence of the inhabitants and territory of Texas at a proper time, he

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[1] Almonte to Minister of Relations, April 9, 1844; *Sec. de Rel. Ext. MSS.*

> cannot permit the authorities of that Government or yourself to labor under the misapprehension that he has power to employ them at the period indicated by your stipulations."[1]

How far Nelson's statement of the President's constitutional powers was made known to the Texan plenipotentiaries does not clearly appear. They had been required by their instructions to obtain "as full a guarantee as possible" of protection against Mexico, but they probably persuaded themselves that it was not necessary to be too exacting in this regard. Calhoun was evidently ready to go far in order to satisfy them, and he accordingly wrote a formal reply to the note of January 17, 1844, in which Van Zandt had inquired whether the President of the United States would use the military and naval forces to protect Texas "against foreign aggression."

Calhoun's written reply stated that a strong naval force had been ordered to concentrate in the Gulf of Mexico, "to meet any emergency," and that similar orders had been issued to the military forces to march to the southwestern frontier for the same purpose.

> "Should the exigency arise," he added, "to which you refer in your note to Mr. Upshur, I am further directed by the President to say, that, during the pendency of the treaty of annexation, *he would deem it his duty to use all the means placed within his power by the constitution to protect Texas from all foreign invasion.*"[2]

By way of a supplement to this note, Calhoun stated verbally that in case of any serious demonstration by water Commodore Conner, commanding the naval force, would inform the Mexican commander that any attack on Texas would be considered a hostile act, which the Executive would feel bound to use every means to repel; that General Gaines had been ordered to Fort Jesup (near the Sabine), with similar orders as to any demonstration by land; that if there appeared to be any serious intention upon the part of Mexico to invade Texas the President would send a message to Congress, requesting them to adopt such measures as might be necessary for the defence of Texas; and that "if the emergency should require it" the President would "say in his message that he would in the meantime consider it his duty to defend Texas against aggression, and will accordingly do so."[1]

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[1] Nelson to Murphy, March 11, 1844; H. R. Doc. 271, 28 Cong., 1 sess., 95.

[2] Calhoun to Van Zandt and Henderson, April 11, 1844; H. R. Doc. 271, 28 Cong., 1 sess., 96. The italics are not in the original.

Henderson and Van Zandt could not have been misled by these assurances. They undoubtedly knew quite as well as either Calhoun or Tyler what were the limits of the President's powers, but they were satisfied to take what they could get. "Much more," they wrote in the despatch just quoted, "passed between Mr. Calhoun and ourselves on this subject, calculated to assure us that everything would be done by the United States to protect Texas from the aggressions of Mexico, but which we cannot now mention"; and they signed the proposed treaty on the twelfth of April.

This instrument recited that the people of Texas at the time of adopting their Constitution had, by an almost unanimous vote, expressed their desire to be incorporated into the Union of the United States; that they were "still desirous of the same with equal unanimity"; and that the United States, "actuated solely by the desire to add to their own security and prosperity and to meet the wishes of the government and people of Texas," had determined to accomplish an object so important to the future and permanent welfare of both parties. The treaty then provided for the cession of the whole of Texas to the United States. Public lands were to be subject to the laws regulating the public lands in other territories of the United States. The United States assumed and agreed to pay the public debts and liabilities of Texas, however created. The amount of such debts and the legality and validity thereof were to be determined by a commission appointed by the President of the United States. The citizens of Texas were to be maintained and protected in the free enjoyment of their liberty and property, and admitted, as soon as might be consistent with the principles of the federal Constitution, to the enjoyment of all the rights, privileges and immunities of citizens of the United States. Until further provision was made the laws of Texas would remain in force, and all executive and judicial officers, except the President, Vice-President, and heads of departments, were to retain their offices.[1]

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[1] Van Zandt and Henderson to Jones, April 12, 1844; *Tex. Dip. Corr.*, II, 269.

The treaty was not sent to the Senate for ten days after it was signed, and during that period Calhoun endeavored to propitiate the Mexican government. Almonte had reported, a month before, that a treaty was in preparation, and that the Secretary of State hoped to induce Mexico to defer hostilities by his suggestions of indemnity; and he expressed himself as confident that if annexation should ever be carried through, the New England states, and perhaps New York and Pennsylvania, would secede, or, if not, would refuse to join in the war, for he had been so assured by members of Congress, senators, and other influential persons. This, he added, was without counting upon the abolitionists, who were and would be decided supporters of the Mexican cause.[2] Nevertheless, he wrote next day that he was convinced war was inevitable. There was not a moment to lose. The army of the North ought to begin operations in Texas without delay, for April, May, and June were the best season.[3] He was disappointed to find that Pakenham was not disposed to interfere with the American plans with respect to Texas, and he now felt certain that the British government would not interpose decisively to prevent annexation; nor would it expose itself to a war which might injure its enormous trade with the United States. This he thought surprising, but he regarded it as a sufficient explanation of British inaction.[4] Almonte was thus prepared for the official announcement that a treaty had actually been concluded—an announcement which was not delayed.

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[1] The text is in H. R. Doc. 271, 28 Cong., 1 sess., 5–8.

[2] Almonte to Minister of Relations, March 15, 1844; *Sec. de Rel. Ext. MSS.*

[3] Same to same, March 16, 1844; *ibid.*

[4] Same to same, March 20, 1844; *ibid.*

At a conference with Calhoun on April 17 the latter told Almonte that a treaty with Texas had been signed five days before, but he did not think it should be regarded as a cause of offence to Mexico; the American government had declared that it did not recognize any right in Mexico over Texan territory, but still, to avoid difficulties, he thought some compensation should be given if Mexico would renounce its pretensions, and he desired to know Almonte's opinion, and whether he thought the Mexican government would receive favorably a proposition of that kind. He did not, he said, intend to send the treaty to the Senate until after despatching a messenger to Mexico with such a proposition.

Almonte, according to his own account, replied that this was not the way to avoid a war; that no consideration for the dignity of Mexico had been observed; and that such a communication could not be favorably received if it was proposed to annex Texas without first obtaining the consent of Mexico.

> "Calhoun," Almonte continued, "tried to excuse his government by reason of its fears of England and other reasons even less plausible; and he again intimated that he was going to send a messenger to Mexico with letters for our government, in which would be set out the causes which had induced the United States to act as they had done, and a proposition would be made for the acquisition of Texas. At the same time he said he thought that since Texas, through the intervention of England, had offered five million dollars for the recognition of its independence, the United States might do as much if the boundaries it proposed were accepted. I replied that he might do what he liked in this matter, but that I did not wish to have anything to do with this negotiation as I had no authority in regard to it, nor did I wish to receive any proposition of any kind whatever, as my government had been so ignominiously treated."[1]

The interview with Almonte ended with this very inamicable remark, and Calhoun sent off a special messenger, as he had said he would do, with instructions to Benjamin E. Green, then American chargé d'affaires in Mexico.

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[1] Same to same, April 18, 1844; *ibid.*

Green was merely directed to make known the fact of the signature of the treaty to the Mexican government, and to give the strongest assurance that the United States, in adopting this measure, was actuated by no feelings of disrespect or indifference to the honor or dignity of Mexico. The step, it was said, had been forced on the government of the United States in self-defence in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. Green was also to assure the Mexican government of the President's desire to settle all questions between the two countries which might grow out of this treaty, including the question of boundary, on the most liberal and satisfactory terms, and for this purpose the boundary of Texas had not been specified in the treaty, so that what the line should be still remained an open question, "to be fairly and fully discussed and settled according to the rights of each and the mutual interests and security of the two countries."[1]

Calhoun having thus tried to forestall criticism in the Senate as to want of consideration for Mexico, also obtained a letter from the Texan representatives, giving assurances that annexation would "receive the hearty and full concurrence of the people of Texas," and presenting statistics as to the extent of the public lands and the amount of the debts and liabilities of the republic.[2]

Finally, he composed a document intended to set forth fully the reasons which, in his judgment, compelled the United States to annex Texas. This significant and characteristic paper was in form a note to Pakenham, in reply to one addressed by Pakenham to Upshur, on February 26, two days before the latter's death, in which was enclosed a copy of a despatch from Lord Aberdeen.

The British government, by the end of the year 1843, had begun to perceive that the efforts, official and unofficial, which had been made in England to procure the abolition of slavery in Texas, and Lord Aberdeen's rather airy references to the subject, were proving unfortunate. Slavery in Texas had not been abolished, and a spirit of opposition had been roused in the United States which seemed likely not only to perpetuate slavery in Texas, but to produce other highly undesirable results. It was, unquestionably, the wish of the British government to make Texas a free, strong, and above all an independent nation; but they discovered that what they were really doing was to drive her into the arms of the United States, the precise thing they were trying to avoid. Also they were still imperfectly informed as to the state of public opinion either in the United States or Texas. The members of Peel's cabinet evidently believed that the Texan people wished to be independent, and they did not believe that the American feeling in favor of annexation was by any means as strong and general as it was later shown to be. They also underestimated, or failed to understand, the general American dread of anything that might tend to disunion. It was in this frame of mind that Lord Aberdeen had thought to mend matters by addressing instructions to Pakenham, which he was to read to Upshur, and furnish a copy if desired.

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[1] Calhoun to Green, April 19, 1844; H. R. Doc. 271, 28 Cong., 1 sess., 54.

[2] Van Zandt and Henderson to Calhoun, April 15, 1844; *ibid.*, 13.

This paper began with the statement that her Majesty's government thought it expedient to take measures for stopping at once the misrepresentations which had been circulated, the errors into which the government of the United States seemed to have fallen on the subject of the policy of Great Britain with respect to Texas, and the agitation which appeared to have prevailed of late in the United States relative to British designs. Great Britain had recognized the independence of Texas, and desired to see that independence generally recognized, especially by Mexico. But this desire did not arise from any special motive of self-interest. The British government was convinced that the recognition of Texas by Mexico must conduce to the benefit of both countries, thus advancing the commercial dealings of Great Britain with both. Great Britain, moreover, did not desire to establish in Texas any dominant influence, her objects being purely commercial. It was well known to the whole world that Britain desired, and was constantly exerting herself to procure, the general abolition of slavery throughout the world.

> "With regard to Texas, we avow that we wish to see slavery abolished there as elsewhere; and we should rejoice if the recognition of that country by the Mexican Government should be accompanied by an engagement on the part of Texas to abolish slavery eventually, and under proper conditions, throughout the republic. But although we earnestly desire and feel it to be our duty to promote such a consummation, we shall not interfere unduly, or with an improper assumption of authority, with either party, in order to ensure the adoption of such a course. We shall counsel, but we shall not seek to compel. . . . The British Government, as the United States well know, have never sought in any way to stir up disaffection or excitement of any kind in the slaveholding states of the American Union. Much as we should wish to see those states placed on the firm and solid footing which we conscientiously believe is to be attained by general freedom alone, we have never, in our treatment of them, made any difference between the slaveholding and the free States of the Union. All are, in our eyes, entitled, as component members of the Union, to equal political respect, favor, and forbearance on our part. To that wise and just policy we shall continue to adhere." [1]

Calhoun, in writing a reply to Pakenham, expressed his pleasure at Lord Aberdeen's disavowal of any intention on the part of the British government to resort to measures which might tend to disturb the internal tranquillity of the slave-holding states, and thereby affect the prosperity of the American Union; but he expressed deep concern at Lord Aberdeen's statement that Great Britain desired, and was constantly exerting herself, to procure the general abolition of slavery throughout the world. The President, said Calhoun, had examined with much care and solicitude what would be the effect upon the prosperity and safety of the United States should Great Britain succeed in the endeavor to abolish slavery in Texas, and he had come to the conclusion that the result would endanger both the safety and the prosperity of the American Union. Under this conviction, it was felt to be the imperious duty of the federal government to adopt, in self-defence, the most effectual measures to prevent such a disaster, and for this reason a treaty had been concluded between the United States and Texas for the annexation of the latter. The people of Texas had long desired annexation, which the United States had declined to agree to; but the time had now arrived when they could no longer refuse consistently with their own security and peace and with the sacred obligations imposed by their constitutional compact for mutual defence and protection.

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[1] Aberdeen to Pakenham, Dec. 26, 1843; *ibid.*, 49.

The government of the United States, Calhoun continued, was in no way responsible for the circumstances which had imposed this obligation on them. They had had no agency in bringing about the state of things which had terminated in the separation of Texas from Mexico. The true cause of this event was the diversity in character, habits, religion, and political influence of the two countries. The American government was equally without responsibility for that state of things which had driven them, in self-defence, to adopt the policy of annexation. The United States had remained passive. Great Britain had adopted as a policy the universal abolition of slavery. That policy within her own possessions might be humane and wise. Whether it was so in the United States was not a question to be decided by the federal government. The rights and duties of the federal government were limited to protecting, under the guarantees of the Constitution, each member of the Union in whatever policy it might adopt in reference to the portion of the country within its own limits. A large number of the states had decided that it was neither wise nor humane to change the relation which had existed between the two races ever since the first settlement of the country, while others, where the African race was less numerous, had adopted the opposite policy. All were entitled to protection.

Calhoun concluded by a very long statement of his own views as to the inhumanity and unwisdom of abolition, quoting statistics of the number of negroes who were deaf and dumb, blind, idiots, insane, paupers, and in prison in the free and slave states, respectively, in order to show what he asserted to be the wretched condition of the African race under freedom.[1]

Calhoun's views as to the obligations of the federal government to protect the several states against attempts at abolition were only a restatement of views which he had embodied in a series of resolutions presented by him to the Senate on December 27, 1836, and which he had defended in a series of speeches beginning December 28 and running to January 12, 1837. The whole letter indeed, as Benton said, was not written for Lord Aberdeen, although addressed to him through Pakenham; and it was sent to those for whom it was really intended, to wit, the American Senate, long before Lord Aberdeen ever saw it.

It was generally regarded as a most extraordinary indiscretion.

> "I have just been informed," wrote the Texan secretary of legation, "that Mr. Calhoun has, in his letter to the Senate, placed the question almost solely on the ground of British interference with the institution of slavery, and presents this as the grand argument for the measure. Such a position may answer with the South, but it will only create and strengthen opposition North and West. Indeed I heard this morning that the views of Mr. Calhoun had brought the Ohio Senators into the opposition." [2]

Having thus formulated his statements to his own satisfaction, Calhoun was at length ready to have the treaty, with the accompanying documents—the instructions to Green in Mexico, and the correspondence with the Texan and British legations in Washington—transmitted to the Senate. It was accordingly sent in by the President on April 22, 1844, with a message in which he tried his best to give the transaction a national rather than a sectional importance, and thus mitigate the force of Calhoun's blow.

The President, in defending the treaty, congratulated the country on "reclaiming a territory which formerly constituted a portion, as it is confidently believed, of its dominion, by the treaty of cession of 1803, by France to the United States." The character of the inhabitants of the country proposed to be annexed, its fertile soil and its genial and healthy climate, would all add to the wealth of the Union; the coastwise trade of the country would "swell to a magnitude which cannot be easily computed," and the advantages to the manufacturing and mining interests of the country would be of the most important character. These were some of the many advantages which would accrue to the Eastern and Middle states, while at the same time the Southern and Southwestern states would find in the fact of annexation "protection and security to their peace and tranquillity, as well against all domestic as foreign efforts to disturb them; thus consecrating anew the Union of the States, and holding out the promise of its perpetual duration."

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[1] Calhoun to Pakenham, April 18, 1844; *ibid.*, 50–53.

[2] Raymond to Jones, April 24, 1844; Jones, 343.

CHAPTER XXIV

THE ELECTION OF POLK

If the members of Tyler's cabinet wished for ratification, they showed very little wisdom in sending to the Senate a treaty for the annexation of Texas just at the beginning of a presidential campaign. If, however, popular discussion was what they wanted, they could not have chosen better. Ratification was certain to be made a party question, with the Whigs solidly against the administration, and every man who spoke in the Senate was certain to do so with his thoughts on the nominating conventions and the November elections. That Calhoun wished the treaty ratified for its own sake cannot be doubted; but Tyler may have been less single-minded. He did not yet despair of a re-election.

The treaty came before the Senate deeply discredited. It was not only the work of two unpopular men—a President without a party and a Secretary of State who had constituted himself "the sleepless guardian of Slavery"—but the announcement that a treaty was about to be concluded had been badly received by the public. Long before Henderson, the special agent of Texas, arrived in Washington the American newspapers had published more or less accurate accounts of the supposed secret action of the Texan Congress in appropriating money for a special envoy to the United States, and of Henderson's appointment to that post.

The Texan chargé d'affaires wrote home of the results of these indiscretions with a certain incoherence and exasperation which were easily explicable.

> "This information," he reported, "has roused the whole opposition and who now daily pour *forth* the vials of its wrath upon the contemplated treaty. Why all these matters should be communi-

cated to Genl Murphy and otherwise made public in Texas and to be heralded throughout this country by the newspapers and yet I receive no information from your Department concerning it, is most remarkable. . . .

"The delay which has attended the action on this matter has had an injurious tendency. Our friends here, in New York and else where urge the importance of an early action if an action is contemplated *at all*. . . .

"Four of the New York papers are out in favor of annexation, viz. The 'Herald' 'The Republic' The 'Courier and Enquirer' and the Journal of Commerce." [1]

On the day before Van Zandt wrote, the rumors of annexation had produced in Wall Street the result which unexpected reports of possible foreign complications always have produced.

> "Stocks fell; United States six-per-cents fell four per cent; men looked alarmed, and shook their heads in fearful doubt. A war with Mexico would be the immediate consequence of this measure, and privateers would be fitted out in the Mexican ports of the Gulf of Mexico, to prey upon the immense commerce of the United States, having themselves little or nothing to risk in return." [2]

The terrified gentlemen who were selling stocks so freely from a fear of Mexican privateers were probably not very familiar with the way in which the Texan navy, with its few ill-found schooners, had controlled the Gulf. There could be no question of the adequacy of the American navy for that task.

The excitement in Wall Street was short-lived, but the newspapers continued the discussion by publishing at portentous length the views of men whose opinions were likely to carry weight in the country. The first of these was Andrew Jackson.

Early in the year 1843 Gilmer, of Virginia, then a member of the House of Representatives, had published a letter over his own signature in which he had expressed himself very strongly in favor of annexation. A few days later

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[1] Van Zandt to Jones, March 20, 1844; *Tex. Dip. Corr.*, II, 263.

[2] Tuckerman, *Diary of Philip Hone*, II, 209.

Aaron V. Brown, of Tennessee, also a member of the House, sent a copy of Gilmer's letter to General Jackson, with a request for an expression of his opinion on the subject. Brown was himself in favor of annexation, but feared that Tyler was too weak politically to carry such a measure through, and he thought that a strong expression from Jackson might be useful in arousing or sustaining the administration in making such a movement.

What was Brown's motive? Benton, in his *Thirty Years' View*,[1] declared that Brown was merely a tool in the hands of Gilmer, whose purpose and hope it was to get Jackson to express himself as favorable to annexation, and at the same time to induce Van Buren to express himself against it, and then to produce Jackson's letter at the proper moment, so as to defeat Van Buren's nomination for the presidency in 1844. But this intrigue was a little too complete and elaborate to have been fully thought out more than a year in advance, and Brown himself in the House of Representatives denied strongly that he had acted in a "vicarious" character or that his action had the slightest reference to the presidential election, then nearly two years off.

Jackson's letter in reply to Brown was dated February 13, 1843, and was evidently written without consultation with any one. He began by making an extremely foolish statement, inspired by his intense hatred for John Quincy Adams.

> "Soon after my election, in 1829," he said, "it was made known to me by Mr. Erwin, formerly our minister at the Court of Madrid, that whilst at that Court he had laid the foundation of a treaty with Spain for the cession of the Floridas and the settlement of the boundary of Louisiana, fixing the western limit of the latter at the Rio Grande, agreeably to the understanding of France; that he had written home to our government for powers to complete and sign this negotiation; but that, instead of receiving such authority, the negotiation was taken out of his hands and transferred to Washington, and a new treaty was there concluded, by which the Sabine, and not the Rio Grande, was recognized and established as the boundary of Louisiana."

Jackson went on to say that when he found these statements were true, he was filled with astonishment at the surrender by Monroe's administration. He had thought, "with the ancient Romans, that it was right never to cede any land or boundary of the republic, but always to add to it by honorable treaty, thus extending the area of freedom." It was in accordance with this feeling that he had entered upon the unsuccessful negotiation for the retrocession of Texas. In a military point of view he considered it most important to the United States to be in possession of that territory, and he drew a picture of the probable course of a war with Great Britain—two armies moving from Canada and Texas, respectively; the negroes excited to insurrection; servile war raging through the whole South and West, and ruin and havoc spreading from the Lakes to the Gulf of Mexico. The question, he declared, was full of interest also as it affected the domestic relations of the United States, and as it might bear upon those with Mexico; but he believed annexation to be essential as lessening the probabilities of future collision with foreign powers.[1]

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[1] II, 581-591.

This strange production bore clear marks of Jackson's failing powers. It was impossible that Erving (the Erwin of Jackson's letter) should have made the statements which Jackson attributed to him, for there was nothing in Erving's correspondence with the State Department which even remotely suggested the possibility of Spain's being willing to concede the line of the Rio Grande. Moreover, Jackson's memory must have played him false, for he had explicitly written to Monroe in 1819 that he did not regard Texas as important from a military stand-point.[2]

Brown, to whom the letter was addressed, did not make any public use of it for more than a year after it was received. In March, 1844, at about the time of Calhoun's appointment as Secretary of State, the letter was published in the

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[1] Parton, *Jackson*, III, 658–660.

[2] The despatches from George W. Erving, as minister to Spain in 1817 and subsequent years, were sent to Congress in response to a call from the House of Representatives on June 14, 1844. The instructions to him were sent the next session. On October 7, 1844, John Quincy Adams made a very violent speech to a "Young Men's Whig Club," in which he discussed the whole subject, denounced Jackson and Erving, and predicted "a foreign, civil, servile and Indian war," if annexation were carried through.

Richmond *Enquirer*, with the date changed from 1843 to 1844, whether by accident or with the intention to deceive was never fully ascertained. The matter, however, was not important, because Jackson had written a second letter, reaffirming his views, and at the same time expressing his regard for and confidence in Van Buren, which he said no difference of opinion on the subject of Texas could change.

Soon after the annexation treaty was sent to the Senate letters upon the subject were published from the leading presidential candidates of the two parties. As it happened, they appeared in print on the same day, which was probably a mere coincidence, although there was a somewhat general belief that the authors, who were on friendly personal terms, had agreed that the subject of Texas should be kept out of the presidential campaign.[1] It is probable that both men were unwilling to bring any new issues into the campaign. Van Buren's point of view is not so clear, but Clay was vigorously asserting that with the "old Whig policies"—the tariff, the bank, and internal improvements—success in 1844 was well assured. Writing to his friend and supporter, Crittenden, on December 5, 1843, on the subject of the annexation of Texas, he said that he had refused to announce his opinion because he did not think it right unnecessarily to present new questions to the public, as those which were already before it were sufficiently important and numerous.

That politicians could at their pleasure determine what questions were to form the issues of a campaign was a curious delusion which Clay was by no means the only man to entertain, and he very naively denounced Tyler for meddling in the matter.

> "Nor do I think it right to allow Mr. Tyler, for his own selfish purposes, to introduce an exciting topic, and add to the other subjects of contention which exist in the country. . . . Considered as a practical question, every man must be perfectly convinced that no treaty, stipulating the annexation of Texas, can secure for its ratification a constitutional majority in the Senate. Why, then, present

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[1] Schurz, *Clay*, II, 243. The author seems to think that there was good ground for the belief.

> the question? It is manifest that it is for no other than the wicked purpose to produce discord and prostration in the nation."

In this view of the matter Clay thought it would be best to "pass it over in absolute silence," if that could be done; but he sketched for Crittenden, who was then in the Senate, the outlines of an argument to be used against any measure of annexation.[1]

In spite of Clay's desire to keep silent on the subject of Texas, he was forced by the progress of events to declare himself before many months had passed. During the early months of 1844 he had made a long journey through the South. Everywhere he went he found the people greatly interested in the subject of Texas, and urgently demanding to know his opinion. For a long time he kept silence, but finally the signature of the treaty and the publication of Jackson's letter forced him to speak. On April 17, 1844, at Raleigh, North Carolina, he composed a letter for publication which he sent to Crittenden on the same day, after consulting the governor of North Carolina and other friends. Crittenden was told to consult with Alexander H. Stephens, of Georgia, and others, to whom Clay left the time of publication, with power also to make "slight modifications of its phraseology." Two days later Clay had come as far north as Petersburg, in Virginia, and he again wrote to Crittenden, expressing perfect confidence in the ground he had taken in the Raleigh letter, and explaining that he could not consent to suppress or unnecessarily delay the publication of it. He had left to his friends merely the question of deciding when it should appear, but he himself thought it should be within a week.[2]

In this Raleigh letter Clay began by expressing his astonishment at the information that a treaty of annexation had been actually concluded, and was to be submitted to the Senate for its consideration. In the first place, he held it "to be perfectly idle and ridiculous, if not dishonorable, to talk of resuming our title to Texas, as if we had never parted with it." "We could no more," he said, "do that than Spain could resume Florida, France resume Louisiana, or Great Britain resume the thirteen colonies." Clay then went on to say that the signal success of the revolution in Texas was greatly aided, if not wholly achieved, by citizens of the United States who had migrated to Texas, and that this aid had been furnished in a manner and to an extent "which brought upon us some national reproach in the eyes of an impartial world." This, he thought, imposed the obligation of scrupulously avoiding the imputation of having instigated and aided the revolution with the ultimate view of "territorial aggrandizement." The recognition of the independence of Texas did not affect or impair the rights of Mexico. Under these circumstances, if the government of the United States were to acquire Texas it would acquire along with it the war between Mexico and Texas. Of that consequence there could not be a doubt; annexation and war with Mexico were identical.

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[1] Clay to Crittenden, Dec. 5, 1843; Mrs. Coleman, *Life of Crittenden*, I, 207–208.

[2] *Ibid.*, I, 219.

Thus far Clay was following in substance the arguments presented by Forsyth when he refused the Texan proposals in 1837; but Clay presented a novel argument, which may at least be said to be doubtful, that inasmuch as annexation meant war with Mexico it was not competent to the treaty-making power to do what was equivalent to a declaration of war without consulting the other branch of Congress.

Clay then went on to assert that Texas ought not to be received into the Union, even with the assent of Mexico, because to do so would be "in decided opposition to the wishes of a considerable and respectable portion of the confederacy," and would introduce a new element of discord and distraction. The country, before acquiring further territory, might well pause to "people our vast wastes, develop our resources, prepare the means of defending what we possess, and augment our strong power, and greatness." As for annexing Texas in order to increase the power of the South, he believed nothing would be more unfortunate or fatal, and the adoption of such a principle would certainly menace the existence of the Union. He thought, indeed, that the addition of Texas would weaken the South. As for the aims of Great Britain, Clay declared that he would regard it as the imperative duty of the government of the United States to oppose any design of colonizing or subjugating the country, but he believed that Great Britain had no such aims or purposes.[1]

This letter, on the whole, was satisfactory to the Northern Whigs. It committed their leader fully against the chief measure of the detested Tyler administration, and there seemed to be nothing in it to offend the moderate opponents of slavery. To the South, however, so outspoken a declaration against annexation was by no means agreeable, although Clay, near the beginning of his letter, had taken pains to say that the question of annexation would appear in quite a different light if it were presented "without the loss of national character, without the hazard of foreign war, with the general concurrence of the Union, without any danger to the integrity of the nation and without giving an unreasonable price for Texas."

Van Buren's letter, which was dated April 20, 1844, from his country-place on the Hudson River, and was probably written in complete ignorance of Clay's letter, was on very similar lines although about three times as long. It was written in reply to a letter from a Mr. Hammet, a representative in Congress from Mississippi, who had asked Van Buren for an expression of his opinion with a view to determining the writer's course as a delegate in the approaching Democratic convention.

Van Buren fully admitted that annexation was desirable *per se*, and encouraged some hope that he might consent to it as a measure of self-defence rather than permit Texas to become a British dependency or the colony of any European power. He admitted also that Mexico might persist so long "in refusing to acknowledge the independence of Texas, and in destructive but fruitless efforts to reconquer that State," as to produce a general conviction of the necessity of annexation for the permanent welfare, if not absolute safety, of all concerned. But he declared that under existing circumstances he could not give his support to the scheme, even though assured that his re-election to the presidency depended upon it. The annexation of Texas, he thought, would draw after it a war with Mexico, which he did not think it would be expedient to attempt. "Could we hope," he said, "to stand perfectly justified in the eyes of mankind for entering into it; more especially if its commencement is to be preceded by the appropriation to our own uses of the territory, the sovereignty of which is in dispute between two nations, one of which we are to join in the struggle?"

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[1] Colton's *Clay*, III, 25 *et seq.*

In 1837, continued Van Buren, his administration had decided, after careful consideration, against annexation; the situation had not since changed; immediate annexation would place a weapon in the hands of those who looked upon Americans and American institutions with distrust and envious eyes, and would do us far more real and lasting injury than the new territory, however valuable, could repair; he was aware of the risks he ran with his Southern fellow-citizens in expressing these opinions, but the only qualification he would give was that if, after the subject had been fully discussed, Congress should favor annexation, he would yield to the popular will.

It may be assumed that both Clay and Van Buren were sincere in their declarations, but it is not perhaps going too far to suggest that their opinions would not have been expressed at this time and in this manner so strongly if it had not been for their mutual dislike of Tyler and the near approach of the presidential election. But the real question, which both Van Buren and Clay feared to inject into the campaign, was the question of the extension of slavery. If that was to be brought into the contest no man could foresee where the discussion might lead or what the consequences to the Union might be. Their concern for Mexican rights was therefore in a high degree exaggerated and unreal. Mexico, as was said by Tyler and his friends, had lost Texas irrevocably—she had no better chance of regaining it than the Cherokees had of regaining their hunting-grounds in the heart of Georgia. Texas, it was argued, was free morally and legally to dispose of her own future, just as Mexico had been free to dispose of Texas while nominally at war with Spain, for Spain, until 1838, had proclaimed her unalterable purpose of reconquering the whole of Mexico; and yet, inasmuch as the whole world knew that she could never succeed, the assertion of Spanish rights had not led either Adams or Clay to hesitate a moment in bargaining, in 1825, for a cession of Texas.

The truth was that every one who considered the matter at all could see that tenderness for Mexican interests was not the real motive of the writers, and that the well-grounded fear of reopening the terribly dangerous discussion of slavery extension was at the bottom of the opposition of both Van Buren and Clay; and so, once again, slavery served, not to hasten, but to delay and to defeat temporarily the project of annexation.

That Van Buren courageously took his political life in his hand when he wrote is no doubt true. But it is also probably true that he believed a declaration of the Democratic convention in favor of annexation would so far imperil Democratic success in the North as to render a nomination upon that platform of no value. As for Clay, the Whig nomination was not a matter of doubt. There was no other Whig candidate. He ran no risk of losing the nomination, whatever he might say about Texas; and he seems to have thought that the only thing which could prevent his election would come through Tyler's administration acquiring popular support by carrying through a measure so conspicuous as the annexation of Texas.

Events turned out at first precisely as Clay had foreseen. The Whig convention met at Baltimore on the first of May, 1844, and sat but a single day. No other candidate than Henry Clay was mentioned, or even thought of, in connection with the nomination; nor was any consideration given to a declaration of principles. "Were it not that we have to select a Vice-President," said Thurlow Weed, "there would be no need of a convention."[1] And therefore, after nominating Clay with noisy enthusiasm, and nominating Theodore Frelinghuysen, of New Jersey, for Vice-President, and adopting a short platform, the convention adjourned. Clay, in fact, was the whole platform. The formal paper which was adopted eulogized the candidates, and announced that the great principles of the Whig party would be maintained and advanced. What these principles were was then, for the first time, officially set forth.

> "These principles," the platform announced, "may be summed up as comprising: A well-regulated currency; a tariff for revenue to defray the necessary expenses of the Government, and discriminating with special reference to the protection of the domestic labor of the country; the distribution of the proceeds from the sales of the public lands; a single term for the Presidency; a reform of executive usurpations; and generally such an administration of the affairs of the country as shall impart to every branch of the public service the greatest practical efficiency, controlled by a well-regulated and wise economy."[2]

This was all. The question of a Bank of the United States, which had so agitated Congress three years before, had been dropped. Not a word was said in regard to the question of Texas, and not a word in regard to the question of slavery. A single term for the presidency and an amendment to the Constitution to deprive the President of the veto power were the only really definite features of the programme, and these were in themselves not calculated to fire the blood of the average American citizen.

The Democratic convention, which also met at Baltimore about four weeks later, dealt much more faithfully with the real questions which now began to interest and divide the American people. The chief uncertainty was as to the choice of a candidate. That Van Buren was far in the lead was unquestioned, but there was strong opposition to his renomination, which was strengthened by his attitude upon the annexation of Texas. President Tyler had sent his treaty to the Senate on April 22, and Van Buren's letter declaring himself against the treaty was published a month before the convention met. During this month many things happened, among them the publication by the Senate of the Texas treaty and all the accompanying documents, including Calhoun's appeal for the annexation of Texas as an essential means of protecting the institution of slavery. It was evidently the opinion of the Whig majority of the Senate that Calhoun had ruined himself and his party by these ill-judged utterances. Northern Democrats were very much of the same opinion.

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[1] Barnes, *Life of Thurlow Weed*, II, 119.

[2] Stanwood's *History of the Presidency*, 220.

> "Calhoun," wrote one of them, "has committed a great blunder by vindicating slavery in his letter to Pakenham, and Van Buren a greater by publishing a letter against immediate annexation, when nearly all his adherents are committed, with most of the Democratic presses. Calhoun, with superior talents, is extremely sectional and southern. I cannot guess how Van Buren made such a blunder. I think they are both demolished—felo de se."[1]

The Southern Democrats were naturally much more annoyed at Van Buren's statements than at Calhoun's, and many of the delegates who had been instructed in Van Buren's favor were at a great loss how to vote, in view of the changed condition of affairs. Jackson, writing privately on May 14, 1844, to Van Buren's closest political friend in New York, referred to the great excitement the Texas letter had created, which it was feared would be difficult to allay.

> "Clay's letter," continued Jackson, "had prostrated him with the Whiggs in the South and West, and nine tenths of our population had declared in favour of Mr. V. Buren and annexation of Texas—when this, illfated, letter made its appearance, and fell upon the democracy like a thunderbolt. . . . You might as well, it appears to me, attempt to turn the current of the Mississippi, as to turn the democracy from the annexation of Texas."[2]

At the same time Jackson wrote a public letter to the Nashville *Union*, in which he reaffirmed the views expressed in his published letter to A. V. Brown, but defended Van Buren on the ground that he was not informed as to existing circumstances. "He has evidently prepared his letter from a knowledge only of the circumstances bearing on the subject as they existed at the close of his administration, without a view of the disclosures since made." [1] Van Buren might well have prayed to be delivered from such defenders as his old chief.

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[1] Meigs's *Life of C. J. Ingersoll*, 266.

[2] Jackson to Benjamin F. Butler (of New York), May 14, 1844; *Amer. Hist. Rev.*, XI, 833.

Calhoun shared Jackson's views as to the effect of Van Buren's letter. Writing to his daughter, he said:

> "V. B's letter has completely prostrated him, and has brought forward a host of candidates in his place; Buchanan, Cass, Stuart, Johnson, who, with Tyler and V. B. himself, make six. . . . . In the meane time, I stand aloof. I regard annexation to be a vital question. If lost now, it will be forever lost; and, if that, the South will be lost. . . . It is the all absorbing question, stronger even than the presidential. It is, indeed, under circumstances, the most important question, both for the South and the Union, ever agitated since the adoption of the Constitution." [2]

The most formidable opponent of the ex-President was General Lewis Cass, of Michigan, who had resigned his position as minister to France eighteen months before. He had been ever since a candidate for the presidency, and had declared himself early in May as decidedly in favor of annexation.[3] There was, however, no sort of certainty as to the result. It was anybody's race, and it was perfectly possible that a dark horse might win.

The chairman of the Tennessee delegation reached Washington on the twenty-first of May, and wrote home the next day.

> "We have," he reported, "been busily engaged examining into the condition of things here and though I had expected to find much confusion and excitement among our friends, yet I confess myself much surprised at the extent of the *distractions* and the bitterness of feeling

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[1] Parton, *Jackson*, III, 661.

[2] Calhoun to Mrs. Clemson, May 10, 1844; *Amer. Hist. Assn. Rep.* 1899, II, 585.

[3] McLaughlin's *Life of Cass*, 209.

> which exists between the Van Buren and the disaffected portion of the party. This last party I am satisfied is daily gaining strength by the arrival of delegations from regions of the country which have been lost by V's letter. . . . The Democracy or rather the Delegates of the south west and west are making an extraordinary effort for Cass."[1]

Two days later the same correspondent wrote that the trouble was increasing, that the anti-Van Buren party was becoming stronger; but that Cass's friends thought he would get the vote of Pennsylvania from Van Buren on the second ballot. The breach between the Van Buren and the anti-Van Buren parties, he thought, had become impassable, and they would never unite except upon some other man than Cass.[2]

In this agitating state of uncertainty the convention met. More than a day was consumed in effecting an organization and in discussing the question of the adoption of the two-thirds rule, which had governed the two previous national Democratic conventions. Many men who were unwilling openly to desert Van Buren were willing to vote for a rule which made his chances hopeless; and ultimately, at about noon of the second day of the convention, the two-thirds rule was adopted by a vote of 148 to 118. This sealed the fate of the leading candidate. On the first ballot Van Buren was 32 votes short of two-thirds. Upon the second ballot he fell below a majority; and during the remainder of the day he lost upon every ballot, while Cass came gradually to the front.

When the convention adjourned that evening George Bancroft, one of the delegates from Massachusetts, consulted his colleagues and the New York delegation, and suggested to them the nomination of James K. Polk, of Tennessee. Both agreed, as Bancroft later described it, that "Van Buren implacably detested the thought of Cass as a candidate, and that it would have been impossible for Cass, owing to Van Buren's hatred and jealousy, to carry the State of New York." Bancroft then suggested his plan to the delegation from Tennessee, "and they naturally accepted the name of Polk joyfully."[1] Polk's name had not, up to that time, been suggested as a possible candidate for the first place. He had been talked of in various parts of the country as a suitable Vice-President, but two days before the convention met his friend Pillow wrote: "You have more friends here than any man in the field and if your name had been brought before the country for the *first place* we would have had far more unanimity. . . . Things may take that turn yet. We of the South cannot bring *that matter* up. If it should be done by the North it will all work right."[2]

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[1] Gideon J. Pillow to Polk, May 22, 1844; *Amer. Hist. Rev.*, XI, 835.

[2] Same to same, May 24, 1844; *ibid.*, 837.

Writing again on the evening of the second day of the convention, Pillow described the extraordinary excitement which, he said, "had well-nigh got into a general pel-mell fight." The excitement was wholly ungovernable by the chair and the chances were for the nomination of Cass. Near the foot of the letter he added: "I have within the last few minutes received a proposition from a leading Delegate of the Pennsylvania and of Massachusets to bring your name before the Convention for President." The next morning, on the first ballot, New Hampshire, quite unexpectedly to the majority of the delegates, gave its votes to Polk; and upon the next ballot New York withdrew the name of Van Buren in the interest of harmony, and cast its entire vote in Polk's favor. A "stampede" followed, which resulted in Polk's unanimous nomination, and thereupon Silas Wright was immediately nominated as Vice-President, to conciliate the Van Buren party. Wright, however, declined, protesting with some warmth that circumstances rendered it impossible for him to accept the nomination consistently with his sense of public duty and private obligations.[3] The convention ended by nominating George M. Dallas, of Pennsylvania, after it had ascertained that Governor Fairfield, of Maine, was not to be counted on in favor of Texan annexation.

[1] Bancroft to Harris, Aug. 30, 1887; *ibid.*, 841, *note.*

[2] Pillow to Polk, May 25, 1844; *ibid.*, 839.

[3] Jenkins's *Life of Silas Wright*, 148.

Before the nomination of Dallas for Vice-President was made the convention adopted a long and detailed platform, in which, besides naming their candidates and expressing their confidence, affection, respect, and regard for "their illustrious fellow citizen Martin Van Buren," and declaring their reliance upon the intelligence, patriotism, and discriminating justice of the American people, the resolutions adopted by the Democratic convention of 1840 were repeated word for word.

In addition, the platform declared against a distribution of the proceeds of public lands and against taking from the President the veto power which had "thrice saved the American people from the corrupt and tyrannical domination of the Bank of the United States." The platform finally declared—

> "That our title to the whole of the territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or to any other power; and that the re-occupation of Oregon and the re-annexation of Texas at the earliest practicable period are great American measures, which this Convention recommends to the cordial support of the Democracy of the Union." [1]

James K. Polk, who had thus unexpectedly been placed in nomination, was another of those Scotch-Irish Presbyterians who have exerted so material an influence upon the fortunes of the United States. His family was long settled in North Carolina, and he himself was born in Mecklenburg County on November 2, 1795. His mother was Jane Knox, whose name indicates that she too was of uncompromising Scotch descent.

The Polk family in 1806, following the stream of Western migration, settled in Tennessee, where the future President attended school. He was subsequently graduated at the University of North Carolina, at the then rather unusually advanced age of twenty-three. He studied law in the office of Felix Grundy, of Nashville, became a follower and adherent of Andrew Jackson, entered actively, like his neighbors, into politics, became a member of the state legislature, and in 1825, when thirty years old, was elected to Congress, where he served continuously for fourteen years. When the Twenty-fourth Congress met in December, 1835, Polk was elected Speaker of the House of Representatives, a position he continued to hold through that and the Twenty-fifth Congress. During his whole term in Congress he had been a consistent and steady follower of Jackson and Van Buren. He was also a steady opponent of John Quincy Adams, both while Adams was President and when he sat in the House of Representatives.

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[1] Stanwood's *History of the Presidency*, 215. For the history of the Oregon controversy, see Chapter XXVIII, Vol. II.

In 1839 Polk's service in the House of Representatives came to an end, as he was elected governor of his state, a position he held for two years. He was defeated for re-election in the great Whig campaign of 1840, and again two years later; and when the spring of 1844 came he had been more than three years out of office. His name, however, was then beginning to be suggested as a possible candidate for Vice-President, and as such he was addressed by a committee of citizens of Cincinnati opposed to annexation, who inquired his views upon the Texas question. Similar letters had been sent to other prominent men of both political parties. Writing from Columbia, Tennessee, on April 22, almost at the same moment that Clay and Van Buren were expressing their opinions, Polk announced his in terms which had at least the merit of absolute frankness.

> "I have no hesitation," he said, "in declaring that I am in favor of the immediate reannexation of Texas to the territory and government of the United States. I entertain no doubts as to the power or expediency of the reannexation. . . . These are my opinions; and without deeming it necessary to extend this letter, by assigning the many reasons which influence me in the conclusions to which I come, I regret to be compelled to differ so widely from the views expressed by yourselves, and the meeting of citizens of Cincinnati whom you represent."[1]

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[1] Jenkins's *Polk*, 120–123.

This letter, so different from those of Clay and Van Buren, must have had an important bearing on the action of the Democratic convention.

The first name signed to the letter to Polk was that of Salmon P. Chase, a young lawyer known for his activity in behalf of fugitive slaves, and for his zeal in organizing the Liberty party throughout the United States. The beginnings of this party dated back to the election of 1840, when a few men met at Albany and nominated for President James G. Birney, of Ohio, very much against the wishes of Garrison and the more pronounced anti-slavery advocates. The movement made no impression in that excited campaign; but in August, 1843, a national convention of the Liberty party was again held at Buffalo, and Birney was once more put in nomination for the presidency upon an anti-slavery platform, chiefly written by Chase.[1]

Finally a fourth convention, if it could be so called—for it was really a mass-meeting of people from various parts of the country, representing nobody but themselves—was held in Baltimore on the same day as the Democratic convention, and it put in nomination John Tyler. The hall was decorated with banners bearing the inscription "Tyler and Texas." Tyler, as he subsequently related, had been advised by his friends to take his chances in the Democratic convention, but he had thought it impossible to do so. "If I suffered my name to be used in that Convention, then I become bound to sustain the nomination, even if Mr. Van Buren was the nominee. This could not be. I chose to run no hazard, but to raise the banner of Texas, and convoke my friends to sustain it."[2] The truth was that Tyler was infatuated with the notion that "the banner of Texas" would of itself suffice to rouse the country and carry its bearer triumphantly into the White House. His anxiety and eagerness for re-election were very manifest to those with whom he talked.[3]

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[1] Schucker's *Chase*, 47, 69.

[2] Tyler's *Letters and Times of the Tylers*, II, 317.

[3] Meigs's *Ingersoll*, 264–266.

His friends having, therefore, been thus "convoked," duly nominated him and forthwith adjourned. They named no Vice-President, and they adopted no platform. No platform, indeed, was required, for Tyler could stand with perfect comfort on that of the democracy, which embodied all his beliefs and heartily sustained his Bank vetoes and the annexation of Texas.

The adoption of the Democratic platform, the selection of Polk as the Democratic candidate, and the defeat of Van Buren on the ground of his anti-Texas attitude, were alone sufficient to bring the question of Texas to the front. But interest in the subject was immensely increased by the action of the Senate in rejecting Tyler's treaty, almost immediately after the last of the nominating conventions had been held. On June 8, 1844, twelve days after the adjournment of the Democratic convention, the Senate, by a vote of 35 to 16, refused its approval. Every Northern state except New Hampshire, Pennsylvania, Indiana, and Illinois voted against the treaty, as did all the Whig senators but one. Of the Democrats, fifteen were in favor of it and seven against it; but the seven included Benton, Wright, and other devoted friends of Van Buren, who were still smarting under his defeat.

Tyler's and Calhoun's opponents probably hoped and believed that this was the end of the annoying question of annexation, for the time being at least; but, if so, they had very much underestimated the resourcefulness and persistence of the President. He had come to the conclusion, weeks before, that Texas could be admitted as a state in the Union by an act of Congress, "under that provision of the constitution of this Government, which authorizes Congress to admit new states into the Union"; and when the treaty was signed he had promised the Texan representatives that if the treaty failed in the Senate, he would urge Congress, "in the strongest terms," to enact a law admitting Texas as a state.[1]

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[1] Van Zandt and Henderson to Jones, April 12, 1844; *Tex. Dip. Corr.*, II, 271. This mode of dealing with the business seems to have been first sug-

The details of procedure were settled at a conference on Sunday, the fifth of May, between Calhoun and Charles J. Ingersoll, of Pennsylvania, the chairman of the Committee on Foreign Affairs of the House of Representatives, who was eager in support of annexation. It was agreed, the latter noted in his diary, "that if the Senate reject the treaty of Texas, I am to move it embodied in a bill in the House." The next day he saw Tyler, who approved the suggestion, but promised to let Ingersoll hear from him again.

By the beginning of June the plan had been somewhat modified, and as modified was ready in all its details. On Monday, June 3, Ingersoll talked with Van Zandt, the Texan minister, on the subject, and later with Calhoun. The moment the Senate either rejected the treaty or laid it on the table Tyler was—

> "to send a full open message to the House to serve as an appeal to the people on that subject, when Congress adjourn. . . . The people are to be appealed to everywhere to condemn Clay, Benton and Van Buren's opposition to *immediate* annexation. The then remaining and resulting and all important question is whether Tyler shall convoke Congress in special session early in September, supposing that the minority in which Texas is in both houses may become then a majority by means of popular will on that subject. The plan is all clean and good but for Tyler's desire to be elected President, for which he is fomented by crowds of vulgar fellows, deluding him to get places. But for this the proposed plan is excellent to carry Texas and defeat Clay by the same blow."[1]

On June 11, therefore, three days after the final vote in the Senate, Tyler, after consulting the Texan representatives,[2] published his appeal to Congress and the people. He evidently had an unwavering confidence in the popular desire for expansion. He believed that the people were with him upon this question; that the advantages of Texas could be

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gested by Henderson, acting Secretary of State of Texas, in instructions to Hunt, Dec. 31, 1836; *ibid.*, I, 164. It had been repeatedly discussed since. It is of interest to note that Hawaii was annexed by joint resolution of Congress, July 7, 1898, after it was found that a treaty of annexation could not command a two-thirds majority of the Senate.

[1] Meigs's *Ingersoll*, 268.

[2] Van Zandt and Henderson to Jones, June 10, 1844; *Tex. Dip. Corr.*, II, 284.

made manifest during the course of the presidential campaign; and that the existence of slavery would not prevent the great mass of voters from declaring themselves in favor of annexation. But slavery expansion was the one obstacle which Tyler evidently underrated. Yet neither he nor anybody else seriously doubted that the existence of slavery in Texas was the real objection to annexation, and that all the talk of Clay and Van Buren and their followers as to constitutional questions, or as to the danger of a war with Mexico, or as to international rights and duties, was mere beating of the air. If it had not been for slavery the country would probably not have hesitated; but, as it was, the strongly held and wide-spread objection to any extension of slave territory rendered the fate of the question extremely doubtful.[1]

The President began his message of June 11, 1844, by the statement that the power of Congress was fully competent to accomplish everything that a formal ratification of the treaty could have accomplished, and that therefore his duty would be imperfectly performed if he failed to lay before the House everything in his possession which would enable it to act with full light on the subject.

> "I regard," he said, "the question involved in these proceedings as one of vast magnitude, and as addressing itself to interests of an elevated and enduring character. A republic, coterminous in territory with our own, of immense resources, which require only to be brought under the influence of our confederate and free system, in order to be fully developed—promising, at no distant day, through the fertility of its soil, nearly, if not entirely, to duplicate the exports of the country, thereby making an addition to the carrying-trade, to an amount almost incalculable, and giving a new impulse of immense importance to the commercial, manufacturing, agricultural, and shipping interests of the whole Union, and at the same time affording protection to an exposed frontier, and placing the whole country in a condition of security and repose—a territory settled mostly by emigrants from the United States, who would bring back with them,

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[1] These views are very clearly expounded by the late Professor Garrison in an article on "The First Stage of the Movement for the Annexation of Texas," *Amer. Hist. Rev.*, X, 72–96.

in the act of reciprocation, an unconquerable love of freedom, and an ardent attachment to our free institutions; such a question could not fail to interest most deeply in its success, those who, under the constitution, have become responsible for the faithful administration of public affairs. . . .

"So much have I considered it proper for me to say; and it becomes me only to add, that while I have regarded the annexation to be accomplished by treaty as the most suitable form in which it could be effected, should Congress deem it proper to resort to any other expedient compatible with the constitution, and likely to accomplish the object, I stand prepared to yield my most prompt and active cooperation.

"The great question is—not as to the manner in which it shall be done, but whether it shall be accomplished or not.

"The responsibility of deciding this question is now devolved upon you."

The President's proposal, of course, came too late in the session for anything to be done in regard to it, and within a week Congress adjourned; but Benton in the Senate, in order to make his own position clear, had first introduced a bill and explained his notion of the proper method to be pursued in securing Texas, a result he, or at any rate his constituents, very much desired. He thought that Congress should authorize the President to open negotiations with both Mexico and Texas, but coupled with the proviso that if the assent of Mexico could not be attained "it might be dispensed with, when the Congress of the United States may deem such assent to be unnecessary." Benton's proposal was not taken seriously by anybody, his suggestion that the assent of Mexico should be formally asked, and then dispensed with whenever Congress saw fit, being too obviously futile.

With the adjournment of Congress the presidential campaign was fairly opened, and it was waged with spirit and earnestness all over the country. The Whigs were united and enthusiastic under their strongest leader; the Democrats were divided and doubtful, and Van Buren, Wright, Benton, and others were openly opposed to the one issue upon which their convention had been carried for such relatively unknown candidates as Polk and Dallas. But as time passed the popular feeling became more manifest and the hopes of the Democratic party revived.

In different parts of the country the contest seemed to turn upon different questions. In the larger cities particularly the "Know-Nothing" issue played an important part. In Philadelphia, in July, there was a serious riot, as there had been in New York at the spring election for mayor, when a Native American candidate was elected. But the Democrats on the whole profited by this agitation.[1]

The tariff also was important, especially in Pennsylvania. Both parties had adopted vague or unmeaning statements in their platforms. Clay was unquestionably the candidate most inclined to a protective policy, and the Democratic newspapers in Pennsylvania, therefore, found themselves compelled to protest that Polk was anything but a free-trader, and that he favored what was lucidly described as "a judicious revenue tariff giving ample incidental protection to all American industries." But elsewhere, and especially in the crucial state of New York, the controversy over Texas was the real and decisive issue.

On that subject the South was pretty generally agreed, although by no means a unit for the Democratic candidate. Maryland, Virginia, North Carolina, Georgia, Kentucky, Tennessee, and Louisiana were all known to be exceedingly close; and the Whigs hoped that with judicious avoidance of anti-slavery arguments by too zealous orators in the North they might all be carried for Clay. Alabama, Mississippi, and South Carolina alone were known to be hopelessly Democratic, for some of their more hot-headed citizens were going about declaring that the possession of Texas was infinitely more important than the continuance of the American Union.

The political conditions, therefore, craved wary walking on the part of the Whig leaders. If they advocated annexation, they were going contrary to the declarations of their candidate, and were certain to offend a strong and growing sentiment at the North. If, on the other hand, they took vigorous ground against annexation, they were met by almost a certainty of losing the whole vote of the South. They had hoped, like Clay, to limit discussion to "the old Whig policies," and, like Clay, they were all indignant with Tyler at his having forced a new question into the presidential campaign. But just as politicians can seldom foresee, so they can never control the issues upon which popular elections will actually turn. Whig speakers in the campaign confined themselves, as far as possible and as long as possible, to other questions; but as time went by it became more and more evident that Texas was the real issue. The Democratic platform had made that measure an article of party faith, in spite of Wright and Benton and Van Buren, and these dissatisfied leaders were now all working harmoniously with the rest of the party. Wright, who had declined to be the candidate for Vice-President, had been reluctantly persuaded to run for governor of New York, which brought to the party the support of Van Buren and his friends. Benton, too, had been brought to support the ticket, contenting himself with favoring annexation in general, while reserving his criticisms for the particular measure advocated by Tyler.

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[1] As to the influence of the "Know-Nothing" movement in the campaign of 1844, see McMaster's *History of the People of the U. S.*, VII, 369–385.

These facts did not fail to be noted by foreign observers. The British and French governments early in the year 1844 had agreed to make a joint formal protest against the annexation of Texas by the United States, a project which was abandoned when they were informed that the Senate would in all probability decline to approve a treaty for that purpose. About the first of June, however, Lord Aberdeen had discussed with the representatives of Mexico and Texas, in London, a plan for a joint guarantee of Mexico against American aggression by Britain and France, upon the condition that Mexico would acknowledge the independence of Texas.[1]

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[1] See Chapter XXII, above. On May 17, 1844, Lord Brougham, in the House of Lords, and on May 20 Mr. J. Hume, in the House of Commons, had asked questions about the annexation treaty. Aberdeen expressed the opinion that the whole subject involved "quite new and unexampled" questions, and promised "the most serious attention" on the part of the government. Peel,

The British and French ministers in Washington were much alarmed when they learned that these latter proposals were under discussion, for they rightly judged that nothing could more certainly unite the American people in favor of annexation than an attempt by European powers to prevent it. They therefore wrote to their respective governments, urging that nothing should be done publicly, at least until after the presidential election had taken place, as any action by Great Britain and France under the suggested agreement would have the very opposite effect to that intended. "Texas would be immediately annexed and occupied, leaving it to the Guaranteeing Powers to carry out the objects of the agreement as best they might."

> "It is scarcely necessary for us to remark," Pakenham wrote, "that, by the rejection of the late Treaty the question of the annexation of Texas must not be considered as disposed of. On the contrary it must be looked upon as the question which at this moment most engages the attention of the American People, and which will form one of the most prominent Subjects of agitation and excitement during the approaching election to the Presidency. In fact it may be said that both questions will be tried at one and the same time: that is to say, if the feeling in favour of annexation should predominate, Mr. Polk, who stands upon that interest, and who has moreover the support of the democratic party, except where anti-annexation feelings may operate against him, will be elected.
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> "If happily the party opposed to annexation should prevail, Mr. Clay, who has taken a stand in opposition to that measure, will be the man; in which case, although the project must not even then be thought of as abandoned or defeated, there would at least be a prospect of its being discussed with the calmness and dignity required by its importance, and by the interest which other powers are justly entitled to take in it.
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> "According to this view of the question it seems to us, My Lord, that the Govts. of England and France have everything to gain by the success of Mr. Clay: and accordingly that whatever might in any way unfavourably affect his prospects ought by all means to be avoided." [1]

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more bluntly, said they would not follow the example set by other countries in the publication of diplomatic documents in the newspapers.—(Hansard, 3 ser., LXXIV, 1227, 1330.)

[1] Pakenham to Aberdeen, June 27, 1844; E. D. Adams, 178.

Aberdeen was convinced by this exposition of the popular sentiment in the United States, and at once proposed to France a postponement of the project, to which Guizot very readily agreed.[1]

One obstacle to Democratic success was, quite obviously, the candidacy of Tyler. Slender as his following might be, it divided the ranks of those who favored annexation, and to that extent tended to favor Clay's chances; and as the campaign progressed the Democratic leaders more and more strongly urged Tyler to withdraw his name. General Jackson wrote to a friend, evidently for Tyler's eye:

> "Mr. Tyler's withdrawal at once would unite all the Democrats into one family without distinction. This would render our victory easy and certain, by bringing Mr. Tyler's friends in to the support of Polk and Dallas,—received as brethren by them and their friends—all former differences forgotten, and all cordially united once more in sustaining the Democratic candidates."[2]

The President yielded at last, and on August 21 published a letter addressed "to my Friends throughout the Union," withdrawing from the contest. He had been led, he said, to accept the nomination because he had been threatened with impeachment for having negotiated the Texan treaty, and for having adopted precautionary measures to ward off any blow which might have been aimed at the peace and safety of the country.[3] A large proportion of the Democratic party had exhibited hostility and "the most unrelenting spirit of opposition," and he had felt himself in honor bound to maintain his position "unmoved by threats, and unintimidated by denunciations." He had also had some hope that "the great question of the annexation of Texas" might be controlled by the position he occupied. But since he had accepted the nomination for President the action of the House of Representatives, in passing resolutions approving his vetoes, had gone a long way toward justifying and upholding his policy; and since the adjournment of Congress the language of the press and the people had still further expressed approbation of the acts of the administration. To a great extent, therefore, his reasons for becoming a candidate had been removed.

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[1] Aberdeen to Cowley, July 18, 1844; Cowley to Aberdeen, July 22, 1844; *ibid.*, 181, 182.

[2] Niles's *Reg.*, LXVI, 416.

[3] Chancellor Kent had expressed the opinion that Mr. Tyler's course in reference to Texas and the sending of military forces to the border, laid him open to impeachment.

With respect to the Texas treaty, he declared that when it was made he had anticipated receiving the support both of Clay and Van Buren; because when Clay was Secretary of State to Mr. Adams, and when Van Buren was Secretary of State to General Jackson, each in his turn had attempted to obtain the annexation of Texas.

> "If it had been charged that the administration was prompted by the ambition of securing the greatest boon to the country, and the whole country, in the acquisition of a territory so important in itself, and so inseparably connected with the interest of every State in the Union, I would have plead guilty without a moment of hesitation. . . . I believed, and still believe, that the annexation of Texas would add to its strength, and serve to perpetuate it for ages yet to come; and my best efforts, while I remain in office, will be directed to securing its acquisition, either now or at a future day." [1]

Against this now reunited Democracy most of the Whig speakers failed to offer any effective opposition. They were hampered by Clay's declaration that neither the annexation of Texas nor the extension of slavery were in themselves objectionable, so that their opposition could not be directed to the thing itself, but only to the manner in which it was proposed to be done—obviously not a very effective issue for a national campaign.

Of all the leading men in the Whig party Webster was the only one who had fully realized the importance of the Texas question, or who perceived clearly that the party had put itself into a false position. Upon this point his record was quite clear.

> "Time," he wrote in 1843, "has already shown how really inconsiderable were the grounds upon which the leading Whigs in Congress

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[1] *Letters and Times of the Tylers*, II, 342–349.

went into their crusade against the President. Time has already shown how unimportant, practically and really, the measures were which threw them into such a flame. Who cares anything now about the bank bills which were vetoed in 1841? Or who thinks now that, if there were no such thing as a veto in the world, a Bank of the United States, upon the old models, could be established?"[1]

As a member of Tyler's cabinet he had been made well aware, from his conversations with the President, of the latter's views in regard to Texas, and after his retirement from the cabinet a long and friendly interview with Upshur had put him in possession of the hopes and intentions of the administration. Webster indeed had long felt deeply distressed at the prospect he foresaw of the danger to the Union arising out of the Texan controversy, and early in 1844, although he believed that all New York and New England were opposed to the annexation of Texas, he expressed the opinion that strong efforts ought to be made to arouse the North upon the subject. A spring election being about to take place in Connecticut, he declared that if it was in his power he would make the Texas question a leading feature of the contest. "If I had the means," he said, "I would send men to Connecticut who would run through the State from side to side, with their arms stretched out, crying Texas! Texas!" But he was quite unable to make his friends in Massachusetts see that there was a real probability of annexation being accomplished.[2]

In the course of the presidential campaign, therefore, Webster boldly proclaimed himself against annexation upon anti-slavery grounds alone. He protested that he wished Texas well, but was opposed to taking over such a vast extent of territory into the Union so long as slavery existed there. "It has always appeared to me," he said, "that the slavery of the blacks, and the unavoidable increase both in the numbers of these slaves, and of the duration of their slavery, formed an insuperable objection to its annexation."[3]

While Webster thus stood upon the solid ground of opposition to annexation because annexation involved the extension of slavery, Clay appeared unable to take any clear or consistent position. During the progress of the campaign he wrote no less than six letters on the subject, which his Democratic opponents made the most of, and which brought him few friends and lost him many votes. Thurlow Weed, then the shrewd and efficient editor of an important Whig newspaper, had cautioned Clay, even before the nominating convention, to write no more letters. Weed felt sure that the election was likely to turn upon the question of admitting Texas as a slave state, and he believed that upon this issue Clay had nothing to gain by courting the South and everything to lose by alienating the North. Before the Whig convention met, Weed therefore wrote that the outlook for Mr. Clay was as propitious as his most sanguine friend could wish, but the danger was that designing men would endeavor to get something from Clay to misrepresent, and there was no need of his writing his opinions on all sorts of subjects. Clay, he said, had been forty years before the public; his views and principles were sufficiently well understood, intelligent men knew perfectly what they were; and on the Texas question, which was the only new one before the people, he had expressed in his Raleigh letter convictions which were satisfactory to the people. Clay thereupon promised he would write no letters, and a week after the convention he wrote to Weed: "I am sure you will be pleased to hear from me that I am firmly convinced that my opinion on the Texas question will do me no prejudice at the South."[1] But in spite of his prudent resolutions Clay could not remain silent.

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[1] Curtis's *Webster*, II, 208. [2] *Ibid.*, 230-235. [3] *Ibid.*, 244.

On the first day of July he wrote to a Mr. Miller, of Alabama, to explain that when he had referred in his Raleigh letter to "a considerable and respectable portion of the confederacy" opposed to annexation, he had *not* meant the abolitionists. What he had there said was based upon the fact that the states of Ohio, Vermont, and Massachusetts had declared against annexation, that the legislature of Georgia had declined to recommend it, and that other states were believed to be adverse to the measure. The idea of his courting the abolitionists was perfectly absurd. Personally he could have no objection to the annexation of Texas, but he feared it might result in a dissolution of the Union. The Texas question "was a bubble blown up by Mr. Tyler in the most exceptionable manner, for sinister purposes, and its bursting has injured no body but Mr. Van Buren." [1]

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[1] Barnes, *Life of Thurlow Weed*, II, 119.

On July 27 Clay wrote again to Miller that, far from having any personal objection to the annexation of Texas, he would be glad to see it if it could be secured "without dishonor, without war, upon the common consent of the Union, and upon just and fair terms. I do not think the subject of slavery ought to affect the question, one way or the other." And in later letters he tried again and again to define his position, but without being able to make it clear to the comprehension of ordinary voters.

Then and always the only real and substantial objection to the annexation of Texas was the objection to the extension of slavery, an argument which the national parties dared not urge; and it was this which had for years held back the American government from moving in the matter. The argument that there was no constitutional power to add new territory to the Union could hardly be sustained since the purchases of Louisiana and Florida. Nobody was much interested in the controversy whether the constitutional power to annex a foreign country resided in the legislative or in the treaty-making power. The argument that Mexico possessed any rights in the matter must have seemed very hollow to those who remembered her utter impotence during the eight years that had elapsed since San Jacinto, and who reflected that during those years Texas had probably doubled in population, and that Mexico had steadily gone backward in wealth and the elements of civilization. A serious war with Mexico was out of the question, unless indeed the United States should attempt a war of conquest.

On the other hand, the advantages of acquiring a country like Texas, inhabited by a population which was substantially similar to that of the United States, having a similar form of government and similar ideals, were too obvious to be disregarded. President Tyler, in his message to the Senate accompanying the treaty, can hardly be regarded as overstating the facts when he said that there was no civilized government on earth having a revolutionary tender made to it of a domain so rich and fertile, so replete with all that could add to national greatness and wealth, and so necessary to its peace and safety, that would reject the offer.

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[1] Colton's *Clay*, IV, 491.

The course of the Whigs, and especially Clay's efforts to please the Southern vote, now afforded an obvious opening for the Liberty party. They had been making little progress before Clay's Texas letters appeared, but they instantly seized upon his expression that under certain circumstances he would be glad to see Texas annexed. Henry Clay, they proclaimed, was at heart like all other slave-holders, and did not care whether slavery was voted up or voted down; and there was immediately an accession of confidence and strength to their party which was mainly drawn from the faltering Whig ranks. From the middle of the summer the hopes of the Democrats correspondingly rose, as the Whigs became more and more discouraged. The letters of William H. Seward convey a striking impression of the growing discouragement in the progress of the campaign. At Rochester, where he was to speak, he was appealed to by the local Whig managers to make "a tariff and Texas speech" to the naturalized voters, who were said to be all against the Whigs. From Rochester he went to Geneva, where he met "that letter and found everybody weeping and despairing." Clay was jeopardizing and would perhaps lose the state. "That last letter," he wrote, "will do its mischief unnoticed and unthought of. The former ones irritated our friends but they have become inured; and they complain not of the last, because complaint is unavailing. But the effect will be calamitous."

Seward also, like Webster, protested that Texas must not come in "until she casts off the black robe that hangs around her, and thus renders herself worthy of adoption by the

American sisterhood"; but he saw, nevertheless, that "the party is struggling like a strong man. We shall see whether they are too deep in the morass to extricate themselves." [1]

When the election came at last Seward's fears were seen to be fully justified. His party could not extricate itself from the morass, and the result turned entirely upon the vote of the state of New York.

Of the New England states, Maine and New Hampshire went for Polk. Vermont, Massachusetts, Rhode Island, and Connecticut went for Clay. So did New Jersey, Delaware, and Ohio. Pennsylvania, Michigan, Indiana, and Illinois were for Polk. Of the Southern states, Clay carried Maryland, North Carolina, Kentucky, and Tennessee, the remainder going for Polk. Leaving out New York, the vote in the electoral college was 134 to 105 in favor of the Democratic candidate, and if New York's thirty-six votes had been given to Clay he would have been elected. But by a plurality of only 5,106, out of a total vote of nearly 500,000, Polk carried the state, giving him 170 votes in the electoral college, as against 105 for Clay.[2]

The Liberty party had acquired the balance of power, and had used their power to defeat the Whigs. There can be no question that it was Clay's attitude on the Texas question, and especially the declaration that the subject of slavery ought not to affect the question one way or another, which cost him the election. Birney's supporters were drawn almost entirely from among the Whigs, and if Clay had received but one-half of the Birney vote in the state of New York he would have been elected President.

"The country owes much of its misrule and misery," wrote Thurlow Weed, "to the action of minorities,—well-meaning, patriotic, but misguided minorities. . . . The election of Mr. Polk means that Texas will be annexed to the United States. In all rational probability, this gain to the slave power insures permanent slave supremacy in the administration of the government. Such, at all events, was the known and avowed object of the annexation. That question, and that ques-

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[1] Seward's *Life of Seward*, I, 723–729.

[2] The popular vote in New York was, for Polk, 237,588; for Clay, 232,482; and for Birney, 15,812.

> tion alone, produced the nomination of Mr. Polk. It was that upon which the Presidency hung, first in the nominating convention, and then at the ballot-boxes, where the people ratified the act of the convention. This is the precise truth, to deny which is both dishonest and unwise."[1]

But if Clay's defeat was thus due to the anti-slavery spirit of a minority, Polk's support can hardly be said to have been due solely to slavery. It was rather due to the Western spirit of expansion, which was unwilling to put bounds to the growth of the nation, and therefore welcomed annexation. The slave states were by no means unfriendly to Clay. Maryland, Virginia, North Carolina, Georgia, Kentucky, and Tennessee together gave 286,278 votes for him, as against 277,615 for Polk; and in the electoral college the votes from these states stood, 44 for Clay and 27 for Polk. South Carolina, which was dominated by Calhoun, was in an exceptional position. Her nine electors were chosen by her legislature; but if she had held a popular presidential election there would probably have been nearly 50,000 majority for the Democratic candidates.[2]

On the other hand, all the Western and Southwestern states, with the single exception of Ohio, were for Polk. Ohio gave Clay 5,940 plurality, but Michigan, Indiana, Illinois, Missouri, Arkansas, Alabama, Mississippi, and Louisiana together gave Polk a plurality of over 50,000.[3] The total popular vote was 1,337,243 for Polk, 1,299,062 for Clay, and 62,300 for Birney. Adding the estimated vote of South Carolina, it may be said that Polk received about 90,000 more votes than Clay and 30,000 more than Clay and Birney combined.

The results of the congressional elections were even more decisive in favor of the Democrats than the result of the presidential election. The new House of Representatives stood about 120 Democrats to 72 Whigs.[4]

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[1] Barnes, *Life of Thurlow Weed*, II, 124.

[2] Pickens to Calhoun, Nov. 6, 1844; *Amer. Hist. Assn. Rep.*, 1899, II, 990.

[3] 283,423 for Polk 232,860 for Clay. See Stanwood's *History of the Presidency*, 223.

[4] Vote for Speaker when the 29th Congress organised.

CHAPTER XXV

THE BANISHMENT OF SANTA ANNA

DURING the period when the terms of the Texan treaty of annexation were under discussion and the presidential election in the United States was in progress Mexico was enjoying an interval of quite unusual tranquillity. The chronic revolution in Yucatan was for the time being at an end, and, notwithstanding the urgency of Almonte's appeals for an invasion of Texas, not a Mexican soldier crossed the frontier. But the political barometer was steadily falling.

The ominous calm which prevailed was, for the first six months of the year, in part the effect and in part the cause of Santa Anna's prolonged absence from the capital. Following his usual custom, he had gone to Manga de Clavo in the autumn of 1843, before Congress met, and he did not return until the following month of June. He had been duly elected President in the meantime, in spite of a sullen and growing opposition, for no one else had yet shown himself strong enough to take and hold the place.

The government during these months was intrusted to the incapable hands of General Canalizo, who managed to preserve order, in spite of the menacing aspect of foreign affairs on the north and a chronically empty Treasury at home. Tornel continued as Minister of War and Bocanegra as Minister of Foreign Affairs, and they brought at least a considerable experience into the cabinet of the President *ad interim*. But the dictatorship of Santa Anna during the previous two years and a half had made him and all about him excessively unpopular. The extraordinary ostentation he had introduced gave rise to the most injurious suspicions of corruption, which extended to all his intimate friends;

and the government, being looked upon in Congress with the greatest distrust, was not able to get anything done.

There was some evidence, as the American minister reported, of a disposition to resist, and to put an end to the absolute dictatorship which Santa Anna had so long exercised; but if this spirit were to be persisted in he would come up from Jalapa with nearly the whole of the army and dissolve Congress. "He is very far from being popular, but is feared by all. His great security consists in the divisions amongst those opposed to him, and their want of a leader who could command general confidence. The army is in his interest and so are the clergy generally." But the difficulty, as Thompson saw it, was that Santa Anna could not keep the army unless he paid them; and he could not pay the army unless he took church property, and he thus stood to lose either the church or the army.[1]

In March, 1844, came the news that Houston had rejected the terms of the proposed armistice, and that he was bargaining with the United States for the annexation of Texas; and shortly afterward it was announced that the treaty had actually been signed and sent by President Tyler to the American Senate. It will be remembered that this information was officially conveyed through the American chargé d'affaires in Mexico, and that he had been instructed to give the Mexican government the strongest assurances that the United States had not been actuated by any feelings of disrespect or indifference to the honor or dignity of Mexico.[2]

The messenger who bore this important communication, Colonel Gilbert L. Thompson, reached Vera Cruz about the fourteenth of May, and on his way to the capital called on Santa Anna and told him the news, and perhaps suggested, under orders from Calhoun, some pecuniary compensation to be offset against the claims of American citizens. Santa Anna must have felt that Calhoun's instructions merely added insult to injury; but with his habitual self-command, he only said that Mexico was resolved to maintain its rights over its revolted territory, and could not, therefore, enter into any agreement on the subject.[1] He had, in fact, already taken certain steps in view of this new turn of affairs; for he had seen in the signing of the treaty of annexation an opportunity to regain his waning popularity. On May 12 the unpopular Tornel was dismissed from the War Office and General Reyes was put in his place.[2] The next day Canalizo issued a proclamation summoning a special session of Congress for the first of June, "to receive the oath of the Constitutional President, who is about to enter on the discharge of his duties," to authorize an increase of the army, and to grant supplies for the recovery of Texas.[3]

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[1] Thompson to Upshur, Feb. 2, 1844; *State Dept. MSS.*

[2] Calhoun to Green, April 19, 1844; H. R. Doc. 271, 28 Cong., 1 sess., 54.

Having thus prepared for his reception, Santa Anna in due time set out from his hacienda, and made a formal entry into the capital under triumphal arches on the evening of June 3. On the next day he appeared before Congress and took the constitutional oath of office as President of the republic.

In the meantime Green, the American chargé, had conveyed the official information of the action of the United States by means of a note to the Foreign Office, in which he repeated, almost word for word, the language of Calhoun's instructions. Bocanegra, in reply, expressed his astonishment that the United States should have signed a treaty despoiling Mexico of "a Department which, by ownership and possession, belongs to her." Such an event, he declared, must lead to the most serious consequences. Mexico was entitled to satisfaction for the atrocious injury which was done to Mexico by the mere signature of the treaty; but she flattered herself with the hope that the Senate of a free and enlightened nation, founded by the immortal Washington, would not constitutionally consummate an act which reason, right, and justice condemned. If, unfortunately, contrary to this hope, the treaty should be approved, Mexico would consider herself placed in such a position that she ought to act in accordance with the law of nations and her reiterated protests. And the minister went on to discourse at great length upon the wickedness of the United States government.[1] Green sent a rejoinder to Bocanegra, defending the course of his government, and Bocanegra replied to Green, and for six weeks an angry correspondence continued which was published in the government newspaper, but which led, and could lead, nowhere.[2]

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[1] *México á través de los Siglos*, IV, 515; J. H. Smith's *Annexation of Texas*, 289–293.

[2] C. M. Bustamante says that Santa Anna thought Tornel was getting too rich.—(*Apuntes para la Historia de Santa Anna*, 250.)

[3] Dublan y Lozano, IV, 758.

The real purpose of the Mexican Foreign Office in all this exchange of notes was obviously to fire the Mexican heart, and thereby to induce an unwilling Congress to vote money for the army, for money was every day harder and harder to come by. Accordingly, on June 10, 1844, as soon as possible after the ceremonies attending Santa Anna's inauguration and the opening of the special session of Congress, General Reyes, the new Minister of War, appeared before the Chamber of Deputies. It was necessary, he declared, to undertake a campaign in Texas without the loss of a moment. If the United States Senate should approve the annexation treaty, war could not be avoided, and the Mexican government believed that even should the treaty not be ratified war would only be postponed for a short time. What was needed in order to enable the government to act in an effective manner was an abundance of military supplies and an abundance of men and money.

> "The ordinary expenses of the government," said the Minister of War, "cannot be met at the present time by the ordinary receipts, so that a large deficiency exists. I confidently believe that in order to begin the campaign and to move the army to the territory which is to be recovered, four million dollars will be barely sufficient; and for the present the government limits itself to this sum and gives assurances that it can begin operations immediately. . . . The government also thinks it urgent that the contingent of men from the departments be increased by thirty thousand. . . . The government does not desire extraordinary powers. It restricts itself to those

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[1] Green to Bocanegra, May 23, 1844; Bocanegra to Green, May 30, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 52-57.

[2] *Ibid.*, 58-89.

which are conceded to it by the constitutional bases. It goes further, and asserts that if, through zeal such as has in other times animated legislators, it is granted these ampler powers, it will undoubtedly refuse them because it desires that its course of conduct shall be pure, that it shall not be censured for desiring any personal advantages in the affairs of the nation, and that it may be in all things sublime and heroic. Save then the country. Save the law. Save principles. Such is the fundamental idea which dominates the President."

Writing to Calhoun, Green explained that the course of the Mexican government was based upon its confidence that the annexation treaty would be rejected by the United States Senate, and that for this reason the government had assumed "a lofty and war-like tone, expecting to strengthen its popularity by making the Mexican people believe that the failure of the treaty was owing to its firmness and threats." [1]

In addition to appealing to Congress for money and men, the Mexican government made further preparation for the proposed campaign by issuing an order to General Woll, then in command at Matamoros, which instructed him as to the course he was to pursue in regard to the inhabitants of Texas. Any person who might be found at a distance of one league from the left bank of the Rio Grande was to be regarded as a traitor to his country, and after a summary military trial was to be shot; and persons who might "be rash enough to fly at the sight of any force belonging to the Supreme Government" were to be pursued until taken or put to death.[2]

Green at once called to see Bocanegra upon the subject of this sanguinary order, and told him that he hoped it would not be put in force against any citizen of the United States, to which Bocanegra replied that the order applied only to Mexican citizens.[3] In Bocanegra's mind Texans were of course Mexican citizens.

There was no need of a proclamation calling for the shooting of foreigners who might be captured, because that particular feature of the war was covered by the decree of June 17, 1843, already mentioned, which directed that in future no quarter should be granted to any foreigner who invaded the territory of the republic, "whether he be accompanied in his enterprise by a few or by many adventurers, . . . and all such persons, taken with arms in their hands, shall be immediately put to death."[1]

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[1] Green to Calhoun, June 7, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 57.

[2] The orders to Woll were printed in the *Diario de Gobierno* of June 13, 1844. Woll issued a proclamation in accordance with these orders, dated Mier, June 20, 1844.

[3] Green to Calhoun, June 15, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 60.

The fact that this latter decree was in full force was made very apparent within a few days after the interview between Green and Bocanegra by the shooting of a number of French and Spanish subjects who had landed in the state of Tabasco on the seventh of June, under the command of a Cuban adventurer, one Don Francisco Sentmanat, and who were captured next day by a government force under General Pedro Ampudia. Sentmanat, who had himself been governor of Tabasco, but had had disagreements with Ampudia the year before, had been banished. When captured, he told a very improbable story. He had sailed from New Orleans, he said, in an American schooner for Honduras, with a number of persons who meant to found a colony. They had had no intention of landing in Mexico, but had been driven out of their course by contrary winds and stranded near Tabasco bar. He did not explain why his men were armed or why they opened fire on the Mexican troops who captured them.

Ampudia regarded this invention as only an aggravation of the original offence, and without any form of trial at once executed his prisoner.

> "Being convinced therefore," he said in his official report, "that I was now bound to proceed according to the letter and spirit of the decree of June 17, 1843, I granted him the necessary time to make his will and to receive the spiritual aids of religion, and then had him shot according to the requirements of the law. . . . After the corpse had been placed for a few moments in consecrated ground, I directed that it be taken to San Juan Bautista in order that it might be exposed as a public spectacle, showing the just punishment by which society

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[1] *Ibid.*, 34.

had purged itself of a scoundrel who had made open war against it, and in order that the people might be satisfied that the object of its terrors and the cause of its disquiet no longer existed."[1]

Within the next four or five days Ampudia shot thirty-eight prisoners out of fifty-three whom he had taken; but the most shocking feature of these acts of punishment, against which the ministers of England, France, Spain, and Prussia protested, was the fact that after the corpse of Sentmanat had remained exposed to public gaze for twelve hours his head was cut off and boiled in oil, and then shown in a glass jar in a public place.

The Spanish and French ministers also protested against the shooting of the other prisoners, which they asserted was not within the provisions of the decree of June 17, 1843, as the evidence showed no intention to invade Mexican territory, and that a regular trial would have established the fact. Out of the thirty-eight men shot by Ampudia in Tabasco sixteen were Spaniards and eleven Frenchmen, and the Mexican government was thus deprived of foreign sympathy and support which might have been of value.

The support and sympathy of the Mexican Congress were however, what the government most needed; but that body proved to be in no hurry to pass any law imposing new burdens on the people. It was rumored that Congress would have been willing to grant the President "extraordinary powers," but this would have placed the odium of oppressive war measures upon Santa Anna; and he insisted that he would accept nothing but what was constitutionally voted by Congress. A report from the committee to whom the matter had been referred bitterly criticised the government for asking additional supplies, and asserted that the ordinary revenues would have sufficed for the proposed extraordinary expenses if they had only been managed faithfully and economically. The members of the committee did not say so, but they probably believed the common talk in Mexico, namely, that Santa Anna did not really want the money which he had asked for in order to make war upon Texas, but solely in order to forward his own ambitious purposes at home, and that his eagerness in respect to Texas was merely an excuse for carrying into effect his favorite measure —the increase of the army.[1]

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[1] *México á través de los Siglos*, IV, 519.

On June 23, the report of the committee was discussed in the Chamber of Deputies, and the government used its whole influence to have the report voted down, asserting that the measure which the committee recommended would render it impossible to carry on the Texan campaign effectively, and would even prevent the maintenance of the existing military force. Various alternatives were proposed, but a project of law for imposing an extraordinary tax was finally passed and sent to the Senate on the thirteenth of July. In the Senate the proposed measure was disapproved, and an amended bill passed on July 29. By this time the newspapers had taken the matter up. The government organs angrily charged Congress with a want of patriotism in dealing so slowly with the urgent subject of supplies for the Texan campaign; whereupon the opposition newspapers asked whether the government wanted a Congress which did *not* talk, but which took orders from the editor of the *Diario del Gobierno*. The *Diario* replied that this was treason, and at once both houses protested against the articles in the *Diario*, and declaimed against any attacks on the freedom of the press. The ministry energetically sustained the government organ. Although, it was said, Congress had pretended to read with indignation and regret the articles of which complaint was made, nothing had been done except to prove the truth of their assertions; and, indeed, the controversy over the *Diario's* attacks had effectually diverted attention from the real business in hand, the raising of money. The opposition leaders industriously replied to the ministry and kept up the exciting topic; and it may be said that the debate over the newspapers marked the final break between Congress and Santa Anna's government. Nevertheless, the raising of money could not be absolutely refused, and a bill for a special tax (*impuesto extraordinario*) was finally passed on August 21, after Congress had been almost three months in session.[1] The success of Santa Anna was to cost him dear; for the imposition of the severe special taxes excited the enmity of the people, who were becoming tired of paying for the support of a government that was getting to be detested.[2]

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[1] Green to Calhoun, June 15, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 61.

Santa Anna and his ministers, in urging Congress to grant supplies, entertained sanguine hopes of material aid from England.[3] Thus when Waddy Thompson, on his way back to the United States, called at Manga de Clavo to take leave, Santa Anna said that Bankhead, the new British minister, had assured him that in the event of Texan annexation "England would have a hand in the matter."[4] This was probably a misrepresentation, for Bankhead's official statements were quite different, and when the news of the annexation treaty reached Mexico, and he was asked by Bocanegra whether England would give aid to prevent annexation, he declined to give any explicit promise.[5] So also after Santa Anna came to the city of Mexico, and before the opposition of Congress had fully developed, he himself told Bankhead that rapid preparations were making to reconquer Texas, and asked what position Great Britain would take if the invasion of Texas should lead to war with the United States, but Bankhead again refused to commit his government.[6]

The British government, however, was at that moment considering more active measures than Bankhead knew of. On May 29, 1844, Lord Aberdeen had an interview with Tomás Murphy, the Mexican chargé d'affaires in London, in the course of which the annexation treaty was discussed. Murphy said that Mexico would never tolerate this outrage on her rights; to which Aberdeen answered that if Mexico would acknowledge the independence of Texas, Great Britain, and probably France, would oppose annexation to

[1] Dublan y Lozano, IV, 760.

[2] Rivera, *Historia de Jalapa*, III, 619.

[3] See Chapter XXXI, Vol. II.

[4] Thompson to Upshur, March 25, 1844; *State Dept. MSS.*

[5] Bankhead to Aberdeen, May 30, 1844; E. D. Adams, 176.

[6] Bankhead to Aberdeen, June 29, 1844; *ibid.*, 177.

the United States, and he would endeavor to arrange a joint guarantee of Texan independence as well as of the boundaries of Mexico. He even went so far as to say that, "provided England and France were perfectly agreed," England would go to the last extremity to prevent annexation.[1] Following this interview, on May 31, Aberdeen invited the French government to join in offering to guarantee that the independence of Texas, if acknowledged by Mexico, "shall be respected by other Nations, and that the Mexico-Texian boundary shall be secured from further encroachment"; and he then informed Bankhead of what was proposed.[2]

When a copy of Murphy's memorandum of May 29 in reference to his conversation with Aberdeen, and Aberdeen's instructions in reference to it, reached Mexico, Congress had not yet passed the special tax law, and Santa Anna was eager to impart the news. "I shall send this communication to Congress," he was quoted as saying, "show them that England will stand by us, and they must now give the money. . . . The English government say we must either conquer Texas or grant its independence—what will Congress say to that!" But though Bankhead finally prevailed on the Mexican government not to submit the memorandum to Congress, he could not find out what course the government would ultimately take. He did not believe that Santa Anna was sincere in his declared intention to invade Texas, and he also believed, like most other people, that if the money were raised the greater part of it would go into Santa Anna's pockets.[3]

However, by the end of October, as difficulties began to thicken in Santa Anna's path, the ministers showed themselves inclined to consider seriously the British plan of a joint guarantee. Bankhead wrote that he had secured their practical acquiescence, and a month later he sent a memorandum, drawn up with the Minister of Foreign Affairs, of "points on the settlement of which the Mexican Government might agree to grant the independence of Texas."[1] It came too late. Long before this reached London, both the British and French governments had agreed to drop the plan of a joint guarantee, and Bankhead was instructed to point out clearly to Bocanegra that if Mexico "were to take the rash step of invading Texas with a view to its forcible reconquest," she must not look to Great Britain to help her out. Again Aberdeen wrote that the mere existence of a plan to make war on Texas defeated in advance the purpose of the Anglo-French combination; and hence the combination was at an end.[2] The Mexican hope of possible help from European countries was thus disappointed; but the government did not wholly give it up, and returned later to the plan of recognizing Texas in order to prevent the alternative of annexation.

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[1] *Memorandum of Conversation*, etc.; *ibid.*, 168.

[2] Aberdeen to Bankhead, June 3, 1844; *ibid.*, 171.

[3] Bankhead to Aberdeen, Aug. 29, 1844; *ibid.*, 184.

During all this time the government of the United States was by no means an uninterested spectator of the course of events in Mexico. In June, immediately after the adjournment of the American Congress, Calhoun, in a very unamiable temper, took up the subject of Mexican relations. He had indeed much cause for annoyance. The Texan treaty was defeated. He himself had not got the nomination for the Presidency. And he had made no success, so far, in his conduct of foreign affairs.

Some weeks before this Thompson, who was a regular Whig, and had determined to support Clay, had resigned his place as minister to Mexico, and the appointment was offered to Wilson Shannon, an Ohio lawyer of middle-age, who had been twice elected governor of his state, but who was otherwise without distinction. He had been confirmed by the Senate shortly before its adjournment.

In giving him instructions upon his departure Calhoun dwelt upon various causes of complaint against Mexico. The failure to pay the instalment due under the Claims Convention was, he declared, a violation of national faith, injurious alike to the honor of Mexico and the interests of the

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[1] Bankhead to Aberdeen, Oct. 30 and Nov. 29, 1844; *ibid.*, 187, 188.

[2] Aberdeen to Bankhead, Sept. 30 and Oct. 23, 1844; *ibid.*, 186.

United States. Certain recent decrees of Mexico, prohibiting foreigners from residing in the border states, from engaging in retail trade, and from having in their possession imported merchandise for more than a year, were all (as they affected American citizens) infringements of the treaty of commerce of 1831. With regard to the Texas treaty, the United States government could not permit itself to be drawn into a controversy.

> "We hold Texas to be independent, *de jure* as well as *de facto;* and as competent, in every respect, to enter into a treaty of cession, or any other, as Mexico herself, or any other independent Power; and that, in entering into the treaty of annexation with her, we violated no prior engagement or stipulation with Mexico. We would, indeed, have been glad, in doing so, to have acted with the concurrence of Mexico . . . because, in our desire to preserve the most friendly relations with Mexico, we were disposed to treat her with respect, however unfounded we believed her claim to Texas to be. . . . You will also state that you are instructed to pass over unnoticed the menaces and offensive language which the Government of Mexico has thought proper to use. . . . The Government of the United States is too mindful of what is due to its own self-respect and dignity, to be driven, by any provocation, however unwarranted or great, from that decorum of language which ought ever to be observed in the official correspondence of independent States. In their estimation, a good cause needs no such support, and a bad one cannot be strengthened by it."[1]

At the same time Texas was watching the warlike preparations of Mexico with anxiety and uneasiness. General Woll had sent to President Houston a formal declaration of war, dated June 19, 1844, stating that the President of Mexico had directed that hostilities be renewed, and declaring that "the civilized world will become the judge of our rights, while victory will crown the efforts of those who fearlessly wage the battle for their country, opposed to usurpation"—a curiously ambiguous phrase.[2] But it was not until the month of August that information began to reach the Texan government that troops were really assembling with a view to marching on San Antonio. The Texan Secretary of State therefore wrote to Howard, the United States chargé d'affaires, requesting that the necessary steps be taken to cause the assurances of the American government to be carried into effect by extending military aid to Texas. Howard at once replied that the American government had not agreed "to interpose by affording military aid to Texas in the present emergency," such promises as were made being limited to the constitutional power of the President while the treaty was before the Senate.[1]

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[1] Calhoun to Shannon, June 20, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 23.

[2] *Ibid.*, 26.

This very unwarlike reply did not at all suit Calhoun, who wrote to Howard, the moment he learned of the correspondence, that while the President could not make war on Mexico without the authority of Congress, he could and would make suitable representations to the Mexican government against the renewal of the war in the savage manner in which it was proposed to conduct it, and he added that when Congress met the President would recommend the adoption of measures to protect Texas effectually pending the question of annexation.[2] Calhoun, who always had his own peculiar views as to the meaning of the Constitution, told the Texan representative in Washington that he had at first drafted instructions to Howard which went even further, but that the gentlemen at the head of the War and Navy Departments wished to have some of his promises as to the use of the army and navy omitted.[3]

Instructions were sent at the same time to Shannon, directing him to present to the government of Mexico a serious protest and warning. There could no longer be any doubt, said Calhoun, that Mexico intended to renew the war against Texas on a large scale, and to carry it on with more than savage ferocity; and there was no doubt that the object of renewing the war was to defeat the annexation of Texas to the American Union. The United States could not stand by and permit Texas to be desolated, or to be forced into a "foreign and unnatural alliance." The President would therefore be compelled to regard the invasion of Texas by Mexico, while the question of annexation was pending, as highly offensive to the United States, whose honor and welfare and safety could not permit such an attack. Moreover, the voice of humanity cried aloud against the manner of conducting the war.[1]

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[1] Jones to Howard; Howard to Jones, Aug. 6, 1844; *ibid.*, 25–28.

[2] Calhoun to Howard, Sept. 10, 1844; *ibid.*, 38. Howard had died in Texas Aug. 16, 1844, although Calhoun did not hear of it until Sept. 15.

[3] Raymond to Jones, Sept. 13, 1844; Jones, 382.

A week later another step was taken in aid of Texas. Orders were sent to the commanding officers of the army in the Southwest directing them to restrain all hostilities and incursions on the part of the Indian nations living within the United States; and they were informed that, if after consultation with the Texan authorities it was deemed advisable to occupy points within the limits of Texas in order to prevent Indian hostilities, this might be done. At the same time A. J. Donelson, a nephew, and formerly the private secretary, of President Jackson, was appointed chargé d'affaires to Texas.[2]

But while the United States and Texas were thus making what preparations they could to meet the threatened danger, the warlike clouds in Mexico had altogether dissipated. The act passed by the Mexican Congress on August 21, 1844, was very far from providing any such sum of money as would have been needed to enable Santa Anna to undertake a vigorous campaign. He had been in fact disappointed in not receiving the enthusiastic and vigorous support from Congress on which he had counted, and he felt that his surroundings in the city of Mexico were daily becoming more and more hostile. The death of his wife on the twenty-third of August gave him an opportune excuse for withdrawing from the scene of his defeat. He therefore obtained permission from Congress on September 7 to retire to the country, and his faithful Canalizo was again appointed President *ad interim*. Canalizo, however, was absent at the time from the city, as he had been intrusted with the command of the army that was intended to be sent to Texas, and Santa Anna therefore turned over the presidency to General Herrera as president of the council. Herrera, however, only held it for about three weeks, for Canalizo came back to Mexico on September 19, and two days later took up the work of the office.

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[1] Calhoun to Shannon, Sept. 10, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 29.

[2] Adjutant-General to Taylor; same to Arbuckle; Calhoun to Donelson, Sept. 17, 1844; *ibid.*, 37, 38. See also private letter of Calhoun to Donelson, Sept. 16, 1844; *Amer. Hist. Assn. Rep.* 1899, 614.

The government soon afterward determined to ask Congress to authorize a loan of ten million dollars to carry on the war with Texas, and to meet other necessary public expenses, this request being based on the assertion that the extraordinary tax would fall very far short of producing the four million dollars which had been considered necessary to begin the campaign, so that some other means of raising money was essential. In fact, very little money had yet been collected, nor had anything whatever been done to prepare for an advance, and no hostile measures of any consequence had been taken, in spite of Woll's threats and proclamations. Congress, however, was proving itself more and more independent of Santa Anna, and the most serious opposition to the loan at once developed.

Llaca, a member of the Chamber of Deputies from Querétaro, gave the project its death-blow in the latter part of October. The man, he said, who had caused the loss of Texas on that unhappy day when he gave to the rebel colonists the victory of San Jacinto by going to sleep in front of the enemy had no right, under a pretence of carrying on a Texan war, to exact impossible sacrifices from the nation; and the galleries saluted the speech with enthusiastic and noisy applause. Long newspaper controversies followed as to whether Santa Anna or Filisola had lost Texas, and the historical discussion diverted attention from the proposed ten-million-dollar loan.

In order to arouse congressional enthusiasm to the point of voting money, the government, in accordance with their usual course, now published in the official organ their correspondence with Shannon, the United States minister, who had been received on the first of September, 1844. In accordance with his instructions he had duly presented to

Rejón, who had shortly before succeeded Bocanegra as Minister of Foreign Relations, the warlike protests and warnings required in Calhoun's instructions of September 10. These were well calculated to excite Mexican anger.

The President, said Shannon, had learned with deep regret that the Mexican government had announced its determination to renew the war against the republic of Texas, and he protested both against the invasion and also as to the manner in which it was proposed to be conducted. The decree of the provisional President of June 17, 1843, and the orders of General Woll, issued June 20, 1844, had left no doubt upon the latter point. In what spirit these orders would be fulfilled was well illustrated by the fate of the party under General Sentmanat at Tabasco, who "were arrested and executed, without hearing or trial, against the express provision of the Constitution and the sanctity of treaties, which were in vain invoked for their protection."

> "Such," continued the United States minister, "is the barbarous mode in which the Government of Mexico has proclaimed to the world it is her intention to conduct the war. And here the inquiry naturally arises, what is her object in renewing, at this time, a war, to be thus conducted, which has been virtually suspended for eight years, and when her resources are known to be so exhausted as to leave her without the means of fulfilling her engagements? But one object can be assigned; and that is, to defeat the annexation of Texas to the United States. She knows full well that the measure is still pending, and that the rejection of the treaty has but postponed it. She knows, that when Congress adjourned it was pending in both Houses, ready to be taken up and acted upon at its next meeting, and that it is at present actively canvassed by the people throughout the Union. She is not ignorant that the decision will, in all probability, be in its favor, unless it should be defeated by some movement exterior to the United States. The projected invasion of Texas by Mexico, at this time, is that movement, and is intended to effect it, either by conquering and subjugating Texas to her power, or by forcing her to withdraw her proposition for annexation, and to form other connexions less acceptable to her.
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> "The United States cannot, while the measure of annexation is pending, stand quietly by and permit either of these results. It has been a measure of policy long cherished, and deemed indispensable to their safety and welfare, and has accordingly been an object steadily

pursued by all parties, and the acquisition of the territory made the subject of negotiation by almost every administration, for the last twenty years. This policy may be traced to the belief, generally entertained, that Texas was embraced in the cession of Louisiana by France to the United States in 1803, and was improperly surrendered by the treaty of Florida in 1819, connected with the fact that a large portion of the territory lies in the valley of the Mississippi, and is indispensable to the defence of a distant and important frontier. . . .

"The President has fully and deliberately examined the subject, and has come to the conclusion that honor and humanity, as well as the safety and welfare of the United States, forbid it; and he would accordingly be compelled to regard the invasion of Texas by Mexico, while the question of annexation is pending, as highly offensive to the United States. He entertains no doubt that they had the right to invite her to renew the proposition for annexation; and that she, as an independent State, had a right to accept the invitation, without consulting Mexico, or asking her leave. He regards Texas, in every respect, as independent as Mexico, and as competent to transfer the whole or part of her territory as she is to transfer the whole or part of hers. . . .

"Such are the views entertained by the President of the United States in regard to the proposed invasion, while the question of annexation is pending, and of the barbarous and bloody manner in which it is proclaimed it will be conducted; and, in conformity to his instructions, the undersigned hereby solemnly protests against both, as highly injurious and offensive to the United States."[1]

Rejón replied in the usual manner, making much of the unlucky phrase that the annexation of Texas had been a cherished measure of American policy for twenty years; but gross as Shannon's indiscretions were, and violent as was the language of the Minister of Foreign Affairs in his reply, the correspondence failed to produce the effect which the Mexican government had hoped for at home. In the United States the tone of the correspondence served only to hasten the annexation measures.

The truth was that by this time the Mexican public had lost confidence in Santa Anna's administration, and was beginning to accuse him of having betrayed the country. It was beginning also to be publicly said that he had threat-

[1] Shannon to Rejón, Oct. 14, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 48–52. Rejón to Shannon, Oct. 31, 1844; H. R. Doc. 19, 28 Cong., 2 sess., 8 *et seq.*

ened the United States with war in case of annexation simply for the criminal purpose of finding, in a foreign war, a plausible pretext for prolonging his dictatorship and squeezing the tax-payers, in order to benefit the private fortunes of his followers and to help along impudent speculators.[1] Obviously the time had come when a revolt was certain to break out, and it was not long delayed.

On October 30, 1844, the departmental assembly of Jalisco began the revolt by sending a petition to Congress in which, after a detailed statement of grounds of complaint, it submitted a proposal for repealing the law of August 21 which imposed the extraordinary tax, and for an amendment of the Constitution "in the respects in which experience has shown that it is contrary to the prosperity of the Departments." Federalism was once more coming into fashion. The garrisons in Jalisco at the same time signed a declaration approving these proposals of the departmental assembly, and inviting General Paredes to put himself at the head of the forces.

Paredes hesitated before taking any decided action, but on the second of November he issued a manifesto to the nation reviewing the history of the revolution which he himself had set on foot in 1841, and which had resulted in the Bases of Tacubaya.[2] He accused Santa Anna of not having known how to discharge the duties devolved upon him, and asserted that in his hands the army had come to a deplorable condition. The ranks were not filled, the men were not paid, promotions were wrongly made, the widows and families of patriots were in poverty, and yet the military budget had grown to such an exorbitant sum as the nation could not satisfy. The government offices were in the most frightful disorder and confusion. The Treasury was disorganized and bankrupt, and was surrounded by

[1] *México á través de los Siglos*, IV, 523.

[2] Paredes had in fact been conspiring for some time before, and the government knew it. To get him out of the way, he was appointed governor of Sonora in August, and flattering letters were sent to him from Santa Anna, Rejón, and others. See *El General Paredes y Arrillaga*, 130–207 (García, *Documentos Inéditos*, etc., XXXII).

inexorable creditors, by insatiable speculators, by naked soldiers, and by hungry employees. What had become of the public funds? More than sixty million dollars had been placed at the disposal of General Santa Anna since October 10, 1841, and what had he done with them? It might not be easy to reply to these simple questions, but it was apparent, and was indeed a matter of general attention, that some speculators had acquired sudden fortunes under the shadow of absolute power, and had converted themselves into vampires of the blood of the people.

> "The plunder of the property of the nation is carried on with the greatest impudence. The administration of the custom houses and contracts of all kinds have been an abundant mine for the new variety of thieves, who are scattered in bands throughout the whole of the Republic. Hence that accumulation of frauds which have now become a habit and a system—hence that scandalous luxury with which the public poverty is insulted. Although the crimes of the Texan colonists have offended the generosity of Mexicans, the unhappy event at San Jacinto has excited public indignation. Ever since that time, the nation whose honor has been wounded has been willing to make every sacrifice to vindicate the stain upon its honor, and this universal enthusiasm has been a talisman to which recourse has been had to extort from the people heavy taxes and to carry forward ambitious designs. Under the pretext of recovering Texas, Santa Anna extorted from Congress the decree to raise four million dollars as a war subsidy, but that money was spent before it had been collected."

Paredes went on to say that Santa Anna could very well have undertaken the Texan campaign at the end of the year 1842, when the government had ample means for the purpose; but in place of doing so, and thus putting the nation in possession of the rights of which it had been defrauded, he had sent the army to Yucatan, where hundreds of lives and thousands of dollars had been wasted. If the eight thousand soldiers sent against Campeche and Merida had been sent against Texas triumph would have been certain.

> "History will say to future generations that in the acts of General Santa Anna there has never been anything great, anything noble, anything becoming; that he has pursued a petty and culpable policy,

> and has used wicked and vile methods; that his tortuous progress has been that of a tyrant made insolent by power or infatuated by prosperity; that his base duplicity and his unmeasured ambition do not deserve to be compared with the bold generosity of great rulers; and finally that in everything he has done there is nothing noticeable but a heterogeneous mass of contradictory qualities,—nothing great but his crimes, and even these are made petty by the smallness of his motives, which have merely been to satisfy a general avarice and the inclinations of a pirate."[1]

This declamation need not be accepted as an accurate statement of facts, but it is of value as indicating what was then said, and in some cases believed, by those who were opposed to Santa Anna's government.

For several days the government organs persisted in ignoring the movement in Jalisco, but by November 9 it was officially announced that the supreme government had directed the President to place himself at the head of the troops stationed at Jalapa, and to march to Querétaro, so as to be ready to act according to circumstances; that the President had replied he was glad to comply with the order and to serve the country; and that troops to the number of seven thousand infantry, fifteen hundred cavalry, and twenty pieces of field artillery were on the march. It was also, of course, officially declared that the real purpose of the promoters of the pronunciamiento was to put an obstacle in the way of the Texan war; but it was in vain for Santa Anna any longer to blow his Texan trumpet. His enemies professed to be just as earnest as he for the recovery of the lost territory, but they declared they would not have him as their leader.

On November 12, in the Chamber of Deputies, General Reyes, the Minister of War, was questioned as to the order directing the President to take command of the army, contrary to the provisions of the Constitution, which prohibited his doing so without express authority from Congress. The minister, in reply, admitted that he had given the order referred to, and that he had done so because of the high regard which the army had for Santa Anna, and that he was ready to defend his action before a court of impeachment if it was thought contrary to the Constitution. The galleries hooted and hissed the minister, who furiously denounced the conduct of the crowd, asserting that they were instigated by some of the deputies; and order was only restored by going into secret session. On the following day the Minister of War was impeached.

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[1] *México á través de los Siglos*, IV, 524–525. Santa Anna asserted that Gómes Pedraza, then a senator, was the real author of this document, and he had told Canaliso to arrest him and imprison him in San Juan de Ulúa.—(Santa Anna to Canaliso, Dec. 5, 1844; *Causa Criminal*, App., 9.)

Santa Anna himself reached Mexico a few days later, and tried in vain to come to an agreement with Congress; but Congress did not believe in Santa Anna's good faith and nothing was done. And after two or three days spent in these fruitless efforts, and after issuing a long reply to the manifesto of Paredes, he set out to overtake his army on the march to Querétaro.

On Sunday, November 24, 1844, Santa Anna entered Querétaro, receiving what he regarded as a very cool reception from the inhabitants. He administered an angry rebuke to the ayuntamiento next day for their failure to come out to meet him. But there was worse than disrespect at Querétaro, for the departmental assembly had passed a resolution approving the action taken in Jalisco. On Monday the governor was ordered into Santa Anna's presence and was violently upbraided for allowing the assembly to pass such a resolution. Looking at his watch, the President said to the governor: "It is now 12 o'clock, and if by to-morrow at this time the repeal of the act by the assembly is not here, your Excellency will be deposed and put under arrest, and the deputies will be sent to Perote." The governor tried to defend the assembly, but Santa Anna abruptly turned his back on him and went out of the room.

The people of the town, with quite unexpected spirit, sustained the members of the assembly. There were great popular demonstrations. Balconies were hung with black. Citizens put on mourning. And the members of the assembly, amid shouts and applause, declared that they would go to Perote, or go to death if need be, rather than make an ignominious retraction. Before this determined opposition Santa Anna quailed, and the order to send the members to Perote was revoked.

But the mischief was done, for the news soon reached Mexico, and the ministers were at once called upon in the Chamber of Deputies for an explanation. The discussion took place in secret session, although a crowd was demanding that the hearing should be public. The ministers at first refused to give any explanation, but finally promised to obtain official information from the President, and Congress declared itself to be in permanent session. Thereupon the ministry took military possession of the palace and refused to allow Congress to sit.[1]

The Senate then met at the house of its president and drew up a protest, which the ministers refused to have printed. The members of Congress who could be got together replied by passing a resolution denying the authority of the executive to prevent the meeting of Congress, and declaring that the government measures were destructive of the Organic Bases on which the republic rested, and tended to destroy the present form of government, and that Congress would continue sitting in such place as it might consider suitable. Upon this the ministers were so ill-advised as to issue a decree, dated November 29, suspending the sessions of Congress until public order should be reestablished and the executive put in a position to carry on effectively the Texan campaign, for which objects, it was announced, the government had assumed all necessary authority. In a second decree, dated December 2, all authorities and employees of the republic were required to swear obedience to the decree of November 29.[2]

The ministry at once met with general opposition. The Supreme Court of Justice on December 2 declared that having sworn to obey and cause to be obeyed the Organic Bases of the republic, which the nation had accepted, and considering that the government had no power to suspend these Bases, they found it legally impossible to comply with the decree, and would continue to discharge their functions in compliance with the Bases referred to. Similar protests were made by other official bodies. The city was filled with alarm and agitation. All classes made sport of the authorities. The box containing Santa Anna's amputated foot was taken from the cemetery and dragged triumphantly through the streets, and his statues in the market-place and at the palace were thrown down.

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[1] *México á través de los Siglos*, IV, 527.

[2] Decrees of Nov. 29 and Dec. 2, 1844; Dublan y Lozano, IV, 767, 768.

The agitation against Santa Anna's government spread as fast as the news of the decree of November 29, suspending the sessions of Congress, could reach the rest of the country. On the second of December the garrison of Puebla joined in the revolt. The task of the government was now to maintain itself in the capital, and for this purpose cannon were planted in the streets and patrols were kept moving through the whole city. For two or three days longer a condition of uneasiness prevailed, but at last, on the sixth of December, a battalion pronounced in support of the Congress, and in a moment the whole fabric of the government collapsed. The rest of the troops united in the mutiny, and before night Canalizo was in prison and Herrera, as president of the council, was again called upon by Congress to assume the duties of President.

General Herrera, who thus succeeded to the chief executive post, was about a year older than Santa Anna, and, like him, was a native of Jalapa. Both he and Santa Anna had been officers in the Spanish army, and both had supported the revolt of Iturbide. Herrera had been always Santa Anna's obedient friend and follower, and it is not surprising, therefore, that Santa Anna looked upon Herrera's assumption of power as an act of personal treachery. The circumstances under which he rose to the presidency were, however, something quite outside of Santa Anna's experience, for there had never before been a revolution such as this in the history of independent Mexico. It was not the work of a single military chieftain, but was a general rising of all the governing classes of the community against the attempt of Santa Anna and his friends to re-establish a dictatorship. In a proper sense it was not a revolution at all, for the leaders of the movement were acting in strict accordance with the provisions of the Constitution. Herrera was not one of the leaders. He happened to be in office and was selected by those who really possessed the power as a mere figure-head, and as such he remained; and for the first time in Mexican history the government was really in the hands of a small group of men in Congress who were in a position to insist upon a responsible ministry.

On the evening of the sixth of December a new ministry was created in which Luis G. Cuevas was Minister of Foreign Relations, a post he had filled under Bustamante's government at the time of the war with France. The ministers immediately set to work to obtain from Congress authority to raise a force of volunteers and to incur the necessary expenditure,[1] while at the same time General Bravo, the last survivor of the old revolutionary leaders in the war of independence, was put in command of the city of Mexico, and his name, of itself, gave great weight to Herrera's government.

While these things were happening in the capital Santa Anna was on his way to attack Paredes. He was at Querétaro when the news came of the decree of November 29, closing the sessions of Congress, and from there he wrote to Canalizo and his ministers expressing his delight at their vigorous action. "The protest of the Deputies and Senators," he wrote to Canalizo, "is very ridiculous, and I am sure it will not find an echo anywhere." Energetic dispositions to save the situation and severity for the enemies of the government were what he recommended.[2]

Two days later he had heard of the mutiny of the troops at Puebla, and he wrote that he could only spare six hundred men from his own forces, but that while the defection of General Inclan, in command at Puebla, was not pleasant it really did not matter, provided the government acted with skill and firmness. "In short, my friend," he wrote to Canalizo, "resolution, exemplary chastisement for the heads of every conspiracy: don't stop now on the road, since that would be very dangerous at this moment. Weakness and vacillation are dangerous."[1]

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[1] Law of Dec. 9, 1844; *ibid.*, 769.

[2] Santa Anna to Canalizo, Dec. 4, 1844; *Causa Criminal*, App., 8.

But at the very moment Santa Anna was sending this advice to the city of Mexico his government was crumbling to pieces, and he received at Silao, four or five days later, the news of the catastrophe. It was perfectly evident that the destruction of Paredes had now become a secondary object, and at once Santa Anna halted his army and returned toward the capital. From Celaya he wrote as follows to Herrera:

> "My dear Friend and Companion. I regret extremely that you have so far forgotten what is due to our old friendship, our pleasant relations, and what I think I am entitled to as first magistrate of the Republic, as not to have thought fit to write me to give information of the events which have placed you for the time being at the head of the administration. I do not know what to think of this silence on your part, although indeed I seem to see in it a kind of hostility towards me personally which I do not think I deserve in any view of the case: but I hope I am mistaken in this idea, and that the origin of your silence may be something else.
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> "But whatever it may be, I am to-day writing to you officially that as I consider myself in complete possession of the rights and privileges which are granted to me by the constitution, I am about to proceed to the capital with the object of taking up the duties of President of the Republic. My honor and my duty impose upon me the obligation of asking you to turn over to me the exercise of the post of chief magistrate, which the nation spontaneously conferred upon me for a period of five years, and I trust that your good judgment will decide in accordance with that which in my opinion reason demands, namely, not to oppose the precepts of the law. . . . I am starting to-morrow for Querétaro and will then proceed to the capital at the head of the army of operations."[2]

At Querétaro Santa Anna caused explanations of the mutiny at the capital to be circulated. It was the work, his official organs asserted, of foreigners, and was paid for by foreign gold. These foreigners (presumably Frenchmen and Americans) were burning with anger at the mere memory of December 5, 1838 (the day Santa Anna lost his leg at Vera Cruz), and were interested in putting an end to the career of the only man who was capable of conducting the war with Texas.[1] At the same time he summoned a meeting of the officers of his army, who duly signed a declaration to the effect that they would support Santa Anna, and would not recognize those who were in power at the city of Mexico; and that they would not lay down their arms until order was re-established and the constitutional authority of the President was acknowledged and obeyed by all.[2]

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[1] Santa Anna to Canalizo, Dec. 6, 1844; *ibid.*, 18.

[2] Santa Anna to Herrera, Dec. 18, 1844; *ibid.*, 36.

By this time, however, Santa Anna's enemies at the capital were busy with his impeachment. On December 6 he had been formally accused "of having attacked the constitutional system established by the Bases of Organization of the Republic by dissolving the departmental assembly of Querétaro, by arresting its members, and by suspending the governor of that department." To this was subsequently added the charge of co-operating in preparing the decree of November 29, and of endeavoring thereby to destroy the constitutional government of the republic. On December 10 the two houses of Congress met and formally declared that, having considered the accusation and certain documents which were in evidence in the case of General Canalizo, testimony should be taken in regard to the acts of which the President was accused.

All this was in strict accordance with the Constitution. By Article 90 of that instrument the President might be proceeded against criminally for treason against the national independence and the form of government established by the Constitution. The two houses of Congress in joint ses[illegible]on were, in such a case, to constitute a grand jury, whose business it was to examine the charges and to formulate an indictment which was to be heard before the Supreme Court of the nation.[1]

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[1] *México á través de los Siglos*, IV, 531.

[2] *Acta de la junta militar celebrada en Querétaro*, Dec. 20, 1844; *Causa Criminal*, App., 46–56.

Santa Anna, with his army, reached the suburbs of Mexico on Christmas Day, but he could not bring himself to the point of attacking the city. The fact probably was that he thoroughly distrusted his own officers. "You know," he had written to Canalizo on December 6, "the kind of little officers (*oficialitos*) we have, whom you have to keep under your eye all the time."[2] He therefore only paused for a day or two, and by the first of January, 1845, he had arrived, with his division, in front of Puebla, and exchanged shots with the forts. For the next ten days some desultory firing was kept up, but reinforcements for the garrison began to come in from the city of Mexico and Santa Anna saw that the game was up. He offered to resign the presidency if he could have permission to retire to a foreign country with full pay and restoration of his statues and portraits, but the new government refused to entertain any terms short of unconditional surrender.

Santa Anna's men were by this time demoralized and many were deserting, and he finally advised them to submit, and started for the coast with an escort of seven or eight hundred cavalry. His little remaining force was, however, intercepted by the garrison at Jalapa and Santa Anna left them. With only four men he attempted to make his way through by-paths to the coast, but he was arrested by some volunteers at the village of Jico, on January 15, and was carried the next day to Jalapa, where he was kept for four days in prison, *incomunicado*, and then sent to the castle of Perote.

The Congressional party had now completely triumphed in all parts of the republic and the impeachment proceedings were pressed. Santa Anna's answer to the charges against him was taken, and on February 24 the two houses of Congress, sitting as a grand jury, formulated and adopted the indictment against him by a vote of 90 to 7.[3] For the next three months the slow procedure of the Mexican courts continued. Santa Anna was examined in his prison at great length, but finally, on May 24, 1845, Congress passed a law of amnesty, by which all persons charged with political crimes were granted a pardon, with the exception of Santa Anna, Canalizo, and the ministers. As to Santa Anna, it was provided that the proceedings against him should be terminated provided he would leave the national territory within a period to be fixed by the government, in which case his resignation as President of the republic would be accepted.[1] Santa Anna made haste to accept the terms offered, and on June 3 he embarked with a young wife, whom he had recently married, and took up his residence in Havana.

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[1] Dublan y Lozano, IV, 435–440.

[2] *Causa Criminal*, App., 17.

[3] *Ibid.*, 106.

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[1] Dublan y Lozano, V, 18.

CHAPTER XXVI

CONGRESS INVITES TEXAS TO ENTER THE UNION

WE have seen that President Houston and his advisers early in the year 1844 had been reluctantly induced, under the strong pressure of public opinion, to enter into negotiations for a treaty of annexation. How far they expected or wished for success in these negotiations was uncertain, and in particular Houston's personal attitude at this time has always been an enigma. But it may fairly be said that the President of Texas and his cabinet remained at least lukewarm while the subject of the treaty was before the government and people of the United States.

A week before the treaty was actually signed the British chargé d'affaires reported Houston as very much embarrassed, but still firm in his desire for independence, and as demanding such terms from the United States as it could not possibly grant.[1] On the day following the date of this letter the American chargé was writing to Washington very much to the same effect. Houston, he said, had received letters from Van Zandt, and had written to the Texan representatives in Washington not to move in the negotiation unless such pledges and assurances as Murphy had given were again renewed by the American government.[2]

Nevertheless, when the treaty actually reached him, Houston was not displeased. To Van Zandt and Henderson he wrote that Calhoun's assurances of protection did not "embrace the guarantee as fully as was contemplated." Still, he thought the treaty well enough, but he was clearly convinced that this was the last effort that Texas would ever make, and if it failed he did not believe that any solicitation or guarantee would at any future day induce her to consent to annexation.[1] To Jones he wrote that he presumed the treaty would do very well. "All we had to do was to dispose of ourselves decently, and in order. If this is done it is well done."[2] To the American chargé Houston was more expansive.

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[1] Elliot to Aberdeen, April 7, 1844; E. D. Adams, 161.

[2] Murphy to Tyler, April 8, 1844; *State Dept. MSS.*

> "I then took occasion," Murphy wrote, "to make known to his Excellency, So much of the substance of your despatch to me, relating to the defence of Texas pending the Treaty of Annexation, as I deemed useful, and proper to Communicate; at which he arose to his feet, and gave utterance to his feelings of gratitude toward the President of the United States and yourself for this distinguished manifestation of the generous and noble policy which ruled in the Councils of my beloved Country."[3]

A little later Houston's views underwent a change. Murphy thought it necessary to keep near Houston in order "to keep up his spirits and cheer his hopes of the final success of the treaty, for he is often despondent of its fate."[4] By this time Houston also began to think that the treaty with the United States contained conditions not quite liberal to Texas, and he expressed some apprehension that the Texan Senate might not be disposed to ratify it. These suggestions, he said, he had not made public, nor did he intend they should be so made, but he believed the United States would realize everything from the treaty, while Texas would derive very little.[5] Another week's reflection brought him to the conclusion that it was useless for Henderson to remain in Washington if the American government was not disposed to consummate the plan of annexation.

> "Whatever," he said, "the desires of this Govt. or the people are, or might have been in relation to annexation, I am satisfied that they

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[1] Houston to Van Zandt and Henderson, April 29, 1844; *Tex. Dip. Corr.*, II, 274.

[2] Houston to Jones, April 29, 1844; Jones, 347.

[3] Murphy to Calhoun, April 29, 1844; *Am. Hist. Assn. Rep.* 1899, 948.

[4] Same to same, May 8, 1844; *State Dept. MSS.*

[5] Houston to Van Zandt and Henderson, May 10, 1844; *Tex. Dip. Corr.*, II, 278.

are not ambitious at this time, nor will ever be again, to be seen in the attitude of a bone of contention, to be worried or annoyed by the influence of conflicting politicians. . . . The desires of the people of Texas, with my love of repose—(this far I am selfish) had determined me in favor of annexation. My judgment though rendered subservient to their inclinations and my own, has never fully ratified the course adopted. Yet in all good faith I have lent and afforded every aid to its consummation."[1]

Houston, however, could do nothing but wait until the American Senate took some definite action; but toward the end of June his fears were again excited by the official notification of the renewal of hostilities. The Mexican government, he was informed by General Woll, "is highly indignant at the perfidious conduct of those said inhabitants towards the republic, which, ever generous to them, believed they were acting in good faith, until the contrary became manifested by their disregard of the promise made in the treaty of armistice."[2] Upon receipt of this notice, and later upon information reporting a threatened Mexican advance upon San Antonio, Houston again appealed to the United States for aid; an appeal which, as has been seen, the American chargé did not feel himself authorized to consider favorably.

At about the same time that General Woll's threats of renewed hostilities reached the Texan government they also received news of active efforts on the part of the British government to prevent annexation. Writing to Lord Cowley at the end of May, 1844, Lord Aberdeen had proposed "a joint operation on the part of Great Britain and France in order to induce Mexico to acknowledge the independence of Texas, on a guarantee being jointly given by us that that independence shall be respected by other Nations, and that the Mexico-Texian boundary shall be secured from further encroachment."[3] At almost the same time Ashbel Smith wrote giving an account of interviews on the same subject with the King and Guizot in Paris, and with Addington and Aberdeen in London.

[1] Same to same, May 17, 1844; *ibid.*, 281-283.
[2] Woll to Houston, June 19, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 26.
[3] Aberdeen to Cowley, May 31, 1844; E. D. Adams, 171.

> "The negotiations," he reported, "for our incorporation in to the American Union and the treaty signed for this purpose at Washington took both cabinets by surprise. Both Governments are opposed to the annexation and will use all legitimate means to prevent its taking place. They have instructed their ministers at Washington, U. S. to present a protest against it to the American Gov. as stated in former dispatches of mine. These Governments have conferred together, and as Lord Aberdeen informed me, will act in concert in relation to this subject. I understood Monsieur Guizot to intimate the same opinion, though he did not distinctly express it. . . .
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> "Lord Aberdeen inquired what had occasioned this desire on the part of the citizens of Texas to be annexed to the United States. I replied the chief reason in my opinion was to be found in the continuance of hostilities on the part of Mexico, or rather of harassing threats and occasional though inefficient preparations to attack Texas, which nevertheless were sufficient to deter immigration and prevent those enterprises for developing the resources of our country which can only be executed in times of peace; that our citizens were wearied out with the state of things, which for aught we could see might under present circumstances continue for twenty years or even a longer period. . . .
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> "Your department will perceive that the proposed 'annexation' has excited *very great* interest in these two countries, altho' the rejection of the Treaty by the American Senate is here deemed quite certain. My clear opinion is, that in the event of the rejection of the treaty in question, Texas may profit by the present circumstances to induce France and England to compel Mexico to make peace with us; provided Texas will give to those two Powers satisfactory assurances that it will not become incorporated into the American Union."

Smith added that Aberdeen had also remarked, in the course of his conversation, that he would say nothing more about slavery.

Having thus presented the subject to the consideration of the Texan government as a possible option in case annexation should be found impracticable at the present time, Smith concluded by saying he would wait for information.[1] There was in fact nothing else for him to do, and for the next few days he continued in London, endeavoring—

> "to impress on the leading men here the opinion that the only means of preventing annexation is by rendering it unnecessary or disadvan-

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[1] Smith to Jones, June 2, 1844; *Tex. Dip. Corr.*, II, 1485–1488.

tageous for Texas:—that tho' the 'Treaty' will be rejected for the present by the U. States Senate, owing chiefly perhaps to temporary party considerations, that the American people will not long resist the allurement of so important and desirable an addition to their territory." [1]

On June 24 Smith had another interview with Lord Aberdeen, chiefly in reference to the negotiations at Washington for annexation. Smith thought that the unfavorable impression relative to the course of Texas which Aberdeen entertained at the former interview had been entirely removed, and reported that he had made a more definite proposition, contingent, however, upon the expected rejection of the annexation treaty by the American Senate. As Smith reported, Lord Aberdeen stated that in the event of rejection—

> "the British and French Governments would be willing, if Texas desired to remain independent, to settle the whole matter by a 'Diplomatic Act':—this diplomatic act in which Texas would of course participate would ensure peace and settle boundaries between Texas and Mexico, guarantee the separate independence of Texas, etc., etc.;—the American Government would be invited to participate in the 'Act' as one of the parties guaranteeing etc., equally with the European Governments;—that Mexico, as I think I clearly understood his Lordship, would be invited to become a party to the Diplomatic Act, and in case of her refusal, would be forced to submit to its decisions:—and lastly, in case of the infringement of the terms of settlement by either of the parties, to wit, Texas or Mexico, the other parties would be authorized under the Diplomatic Act, to compel the infringing party to a compliance with the terms. . . .
>
> "The permanent perpetual character of a diplomatic act of the nature spoken of by Lord Aberdeen, appears to me as it will doubtless to you, worthy of our gravest consideration before acceding to it; and the inviting of European Governments to make compulsory settlement of dissensions between the countries of America and the conferring on them of the right to interfere in our affairs may lead to the greatest inconvenience on our side of the Atlantic; as such interference and settlements have been the pretexts for inflicting atrocious wrongs and oppressions on the smaller states of Europe. I have believed that the objections to a Diplomatic Act as mentioned

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[1] Same to same, June 18, 1844; *ibid.*, 1153.

above will be deemed by our Government greater perhaps than the inconveniences of our unsettled relations with Mexico."[1]

Writing privately a week later to Jones, Smith said that he had found on Aberdeen's part "the most friendly tone and solicitous dispositions towards Texas," and that, while "extreme dissatisfaction" had at first been felt in reference to the course of Texas on annexation, he believed it had been wholly removed from Lord Aberdeen's mind by a plain statement of the motives which had led to the adoption of this course.[2]

It is very doubtful whether the proposal for a "Diplomatic Act" could ever have been carried into effect even if the Texan government had heartily approved it. Pakenham and Pageot, in Washington, had just written to their respective governments warning them that any action looking toward foreign interference would only serve to defeat Clay and to make the annexation of Texas certain. And France, in spite of the wishes of the King and Guizot, would have hesitated long before actually agreeing to any undertaking that might require her to use force in order to support British interests upon the western shores of the Atlantic. But these questions never came to the test, owing to the failure of the Texan leaders to agree at that time upon a clear and definite course of action.

Ashbel Smith's despatches containing Aberdeen's proposal came into the hands of Houston late in the summer. He was then angry and disappointed at the failure of the treaty in the American Senate, and wrote a memorandum for Jones directing him to instruct the Texan representatives in Europe "to complete the proposed arrangement for the settlement of our Mexican difficulties as soon as possible, giving necessary pledges, as suggested in the late despatch of Dr. Smith on this subject, but adhering to the Rio Grande as a boundary, *sine qua non*"; but by this time Jones had become the President-elect of Texas, and was by no means disposed to act as promptly as the more impulsive Houston. Jones therefore calmly ignored Houston's orders, and merely wrote to Smith granting him a leave of absence to return home, as he had requested.

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[1] Same to same, June 24, 1844; *ibid.*, 1154. Smith also mentioned in this despatch that Aberdeen had "more than once made observations to the effect that he regretted the agitation of the abolition of Slavery in Texas . . . and that hereafter he would have nothing to say or do in relation to the subject."

[2] Same to same, July 1, 1844; Jones, 369.

What were the reasons for this act of disobedience is not certain. Jones himself subsequently asserted that the adoption of Aberdeen's suggestions would have inevitably resulted in war between the United States on the one side, and Great Britain and France on the other, and probably would not have resulted in defeating annexation. Ashbel Smith, reviewing the circumstances nearly thirty years after the event, expressed the opinion that war would not have resulted, and that no attempt would have been made by the United States to enforce the Monroe Doctrine by an appeal to arms; and he also gave his explanation of Jones's conduct.

> "Why did Anson Jones, Secretary of State, disobey the orders of President Sam Houston? Why did he not send instructions to Ashbel Smith to pass the diplomatic act? It is scarcely possible to me to be in error in asserting that Mr. Jones declined to send me the instructions, because he intended to make the diplomatic act, bringing honorable peace and independence, a measure, and it would have proved, as he clearly saw, the prominent measure of his administration. . . . But events culminating in annexation were crowding on too rapidly, too powerfully, to suffer stay: they out stripped every other policy."[1]

But whatever Jones's motives may have been, he at any rate contrived that nothing should be attempted during the brief remainder of Houston's term of office, either in the way of meeting Aberdeen's suggestions or of taking up a well-defined line of policy in respect to Mexico or the United States. Jones succeeded Houston on December 12, 1844, and by that time Polk had been elected President on an annexation platform, the United States Congress had met for its short session, and it had become apparent that the question of annexation would be discussed, and very likely disposed of so far as the United States was concerned, within the next three months.

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[1] Ashbel Smith, *Reminiscences of the Texas Republic*, 64; Jones, 44, 55. The confidential order from Houston to Jones was made public by the latter in the autumn of 1848 at a time when he had quarrelled with Houston. It is printed in Niles's *Reg.*, LXXIV, 413.

It might have been expected that President Jones, in his inaugural address, would have explained the wishes and purposes of his administration on the vital question of annexation, but he chose to be silent. He made Ashbel Smith his Secretary of State, and then doggedly sat down to wait for something to turn up. He had not long to wait, for within a few days he received a copy of the annual message of the President of the United States, which announced, with much emphasis, the course the American administration desired to pursue.

President Tyler had had every reason to rejoice in the result of the election of 1844, for, if he himself had not succeeded, at least the policies he had so long and so stubbornly advocated were triumphantly sustained. His message to Congress in December, 1844, was therefore one long strain of exultation. He dwelt upon the immense improvement in the condition of the country during the previous three years. Questions with foreign powers of vital importance to the peace of the country had been settled and adjusted. The Seminole war had been brought to a close. The credit of the government had been thoroughly restored. The empty Treasury had been replenished. Commerce and manufactures had revived, and the whole country presented an aspect of prosperity and happiness.

But the point upon which the President dwelt with the most evident pleasure was the fact that his policy in respect to Texas had been fully sustained by the vote of the people.

"The decision of the people and the states, on this great and interesting subject," said the President, "has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself, all collateral and incidental issues, which were calculated to divide and distract the public councils, were carefully avoided. These were left to the wisdom of the future

> to determine. It presented, I repeat, the isolated question of annexation; and in that form it has been submitted to the ordeal of public sentiment. A controlling majority of the people, and a large majority of the states, have declared in favor of immediate annexation. Instructions have thus come up to both branches of Congress, from their respective constituents, in terms the most emphatic. It is the will of both the people and the states that Texas shall be annexed to the Union promptly and immediately. . . . The two governments having already agreed, through their respective organs, on the terms of annexation, I would recommend their adoption by Congress in the form of a joint resolution, or act, to be perfected and made binding on the two countries when adopted, in like manner, by the government of Texas."

The President's suggestions as to the action to be taken by Congress were followed within a few days by the introduction of a joint resolution in the House of Representatives. Ingersoll, of Pennsylvania, and Stephen A. Douglas, a young member from Illinois, were the principal supporters of the measure.

Public sentiment, said Ingersoll, was now well ascertained; the subject had been abundantly discussed everywhere except in the House of Representatives. In particular it had been discussed in the late presidential election. He himself, at every meeting in his district during the campaign, had said that if elected he should deem himself instructed to vote for the immediate reannexation of Texas.

> "When we reflect," he continued, "on what public sentiment was only one year ago, and is now, it is as pleasing as surprising, to perceive how it has grown on this subject. Without government support, this progress is strong proof of popular will. When Congress came together last year, Texas was little known in the greater part of the United States and less liked. Most people were ignorant of the localities, the advantages, the rights and the realities of that fine region. A vote on it then would have been largely negative. . . . If then we represent an American Union governed by the will of the people, it is our representative duty to bring back Texas into it, if we can. . . . If Southern Secretaries of State—one of whom originated, and another is striving to consummate the affair—betray Southern partialities which many of us deem not quite national, that is no reason why a great national measure should not be effected on great national considerations."

Douglas denied that President Tyler had the credit of originating the project of the annexation of Texas to the Union. It was true, as asserted by the opponents of the measure, that it had originated with a President not elected by the people, but that President was John Quincy Adams, who in 1825 had, with his Secretary of State, Mr. Clay, offered millions of dollars in order to secure this valuable acquisition. The annexation of Texas would afford immense commercial advantages, and open a great and increased market to Northern manufacturers, and it would give better boundaries than the country now possessed and thus avoid collision with foreign powers.

Belser, of Alabama, after discussing the constitutional power of Congress to deal with the subject, asked the opponents of the measure what they supposed was to become of the rising generation in the West? Did they think it was to stay there to vegetate like a plant and die on the spot where it grew? They might as well attempt to stop Niagara. The flood would go onward and onward. It would fill the Oregon; it would fill Texas; it would pour like a cataract over the Rocky Mountains, and, passing to the Great Lakes of the West, it would open the forests of that far-distant wilderness to the light of the rising sun, and in fifty years whoever should visit this continent might hear the voice of the American reaper on the far shores of the Pacific.

On the other hand, Robert C. Winthrop, of Massachusetts, opposed annexation upon the grounds, first, that it would extend the area of slavery, and, second, that the government had no power to annex a foreign state "by any process short of an appeal to the people in the form which the Constitution prescribed for its amendment."

Giddings, of Ohio, opposed the measure on the ground that the only substantial reasons urged in favor of it were the extension and perpetuation of slavery. Upon this text he attacked the whole system of slavery, and declared that it was impossible for him to believe that any member of the House from the north of Mason and Dixon's line could be brought to vote for an extension of the crimes and wholesale murders involved in the existence of slavery. Should the measure be carried, it would be in violation of the Constitution; in violation of the honor, the interests, and the rights of the people of the free states; and in violation of the rights of man. The repeal of these resolutions, if they should be adopted, would constitute the rallying-cry and watchword of the North.

Adams, who closed the debate, admitted that he had been the first to originate the idea of annexing Texas to the United States, but he said there was this difference between his action on the subject and that now contemplated: he had proposed to purchase Texas with the consent of the owner, whereas it was proposed now to take it without the owner's consent. There was the same difference between his action and that now contemplated as there was between purchase and burglary. Moreover, slavery did not exist in Texas when he proposed its purchase. If Texas could be obtained with the consent of the owners and if slavery were abolished, he would go for the annexation of Texas tomorrow. He ridiculed the idea that Texas had been included in the Louisiana Purchase. As to the constitutional power of Congress, he maintained the very singular theory that while a treaty might be made to acquire *territory*, there was no power in the government to act upon the *people* of that territory after it was annexed; and he declared that he would vote against every form of the propositions before the House on the ground that they were unconstitutional.

There was likewise much debate as to the form that the resolution ought to take, and a radical departure was made from the terms of the abortive treaty of the previous April. As ultimately adopted by the House, the joint resolution expressed the consent of Congress that the territory "properly included in and rightfully belonging to the Republic of Texas" might be admitted as one of the states of the Union, under a republican form of government to be adopted by the people of that republic before July 1, 1846, upon condition, first, that all questions of boundary should be subject to adjustment by the government of the United States; second, that the new state should retain all its public lands, to be applied to the payment of the debts of the republic, which were in no event to become a charge upon the government of the United States; and, third, that new states, not exceeding four in number, might, by the consent of Texas, be formed out of its territory, provided that in such states as should be formed out of territory north of the Missouri Compromise line, slavery should be prohibited. And in that form the resolution was passed by the House on January 25, 1845, by a vote of 118 to 101.

The debate in the Senate was much more extensive. It was begun by Benton, who submitted a bill of his own in place of the joint resolution of the House of Representatives. The results of the election had to a certain extent converted Benton as it had converted others. He now dropped from his bill the provision for obtaining the assent of Mexico, which he said he omitted because of the difficulty of agreeing upon this and other conditions, and because it was clear that whatever bill was passed the execution of it must devolve upon the new President, in whom he had every confidence. He therefore proposed the admission of Texas upon such terms as might be settled by a joint commission.

A large part of the discussion in the Senate turned upon the constitutional question of the power to admit new states, and especially as to whether this could be done otherwise than by treaty. There was not much discussion as to the merits of annexation. Many of those who were opposed to the joint resolution expressed their approval of the annexation of Texas "whenever it could be accomplished in a manner consistent with the principles of the Constitution, and without disturbing the various interests and the external peace of the Union." Thus Archer, of Virginia, admitted that the annexation of Texas was the will not alone of the majority of the people, but of a very large majority of the people of Virginia. To his constituency he yielded the question of expediency, but nothing could prevent him from interposing his voice against the violation of the Constitution. Rives, of Virginia, and Huntington, of Connecticut, contended that annexation by joint resolution was unconstitutional, and also that it was inexpedient because we had more territory than we could occupy for ages to come. The suggestion, which had been frequently heard before, that if Texas was annexed the war with Mexico would be annexed too, was also mentioned; but it had less weight than when the treaty was under discussion—for while the Senate alone could not make war, it was evident that Congress had the power to do so if it chose.

Thus the debate dragged its slow length along through January and February, until it became extremely doubtful whether a vote could be had in the Senate before final adjournment. There were the usual rumors that if the Senate failed to pass the joint resolution the new President would summon a special session of Congress. Nobody wanted a special session, and indeed a majority of the Whigs were not very much in earnest in their opposition. A large proportion of the party would have been glad to see Texas admitted provided it were not done under Democratic auspices. A part of the Whig party was, of course, bitterly opposed to the project on anti-slavery grounds, but there were not many members of Congress in either house who shared these views.

In the meantime the country began to be heard from. In Vermont and Massachusetts and New York there was talk of a dissolution of the Union if annexation were carried. "Rather than be in Union with Texas," wrote William Jay, "let the confederation be shivered. My voice, my efforts will be for dissolution, if Texas be annexed,"[1] and there were many who shared his views. The legislatures of Vermont, Massachusetts, New Jersey, and Ohio passed resolutions against annexation; but, on the other hand, the legislatures of Maine, New Hampshire, Illinois, Michigan, Missouri, Alabama, and Louisiana passed resolutions in its favor. What was perhaps more important, the newspapers throughout the country took up and daily discussed the question. The pressure of public opinion, especially in the Mississippi Valley, where Western expansion was most popular, made itself felt; and this, coupled with the fear of an extra session, led to a final disposition of the controversy, which was settled, as so many controversies have been settled in Congress, by a somewhat unmeaning compromise. After some private talk Walker, of Mississippi, proposed that the resolution passed by the House should be amended by tacking on the substance of Benton's bill. The resolution would then provide that the territory belonging to the republic of Texas should be admitted as one of the states of the Union, upon the conditions named in the House resolution; but if the President of the United States should "in his judgment and discretion deem it most advisable," he might negotiate with the republic of Texas for admission upon such terms and conditions as might be agreed upon by the two governments. In effect this gave to the President the right either to invite Texas to come into the Union upon the terms fixed by Congress, or to invite Texas to come in upon terms to be thereafter agreed upon; and the question whether the invitation should be delayed in order to formulate terms which might be more satisfactory to Texas, was left entirely to the judgment and discretion of the President.

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[1] Garrison, III, 94. The *Liberator* was clamoring for dissolution of the Union. In 1843 it had placed and kept at the head of its columns the famous declaration that the Constitution was "a covenant with death and an agreement with hell," which ought to be immediately annulled. The Liberty party, on the contrary, did not favor disunion, even though Texas should be annexed.

Senator Tappan, of Ohio, three years later, in a letter to the New York *Evening Post*, asserted that he and other Democratic senators would have voted against the passage of the resolution if it had not been for statements made in debate by McDuffie and others that President Tyler would not dare to act under the resolution during the few remaining days of his term, and assurances from some of Polk's friends that he would accept the second alternative, and appoint a mission to Texas composed of the first men in the country. Benton confirmed Tappan. Polk, however, vehemently denied, when the story came to his ears, that he ever authorized any such assurances; and the weight of evidence seems to sustain him, and to throw doubt on the whole of Benton's narrative.[1]

At any rate, the joint resolution as thus amended came to a vote on Wednesday, February 26, and was passed by 27 senators in the affirmative to 25 in the negative. The vote was practically on party lines, all the Democrats favoring the resolution and all the Whigs but two being against it. It was not a sectional division. Of the New England states, New Hampshire voted in favor of the resolution and one senator each from Maine and Connecticut. Both senators from New York, Pennsylvania, Ohio, and Illinois were recorded in its favor; both senators from New Jersey, Delaware, and Michigan against it. Of the Southern states, Kentucky, Tennessee, Virginia, and Louisiana were opposed and Missouri, Arkansas, South Carolina, and Mississippi were in its favor. The remaining states were divided.

On Friday, February 28, the joint resolution was returned to the House of Representatives, the question being upon concurrence in the amendment made in the Senate. There was no debate, the previous question was ordered, and the joint resolution in its amended form was passed by a vote which was largely increased over that by which the resolution had been originally passed. The vote stood 132 in the affirmative to 76 in the negative—practically a party vote. On the next day, Saturday, March 1, the resolution was signed by President Tyler.

The question then arose whether action should be taken by the outgoing administration or whether it should be left for President Polk. Immediately after signing the resolution, as Tyler subsequently recorded, he had a conversation with Calhoun, who expressed the hope that the President would not hesitate to act. Tyler replied that he entertained no doubt in the matter of the method of proceeding so far as Texas was concerned; that he regarded the Senate amendment as designed merely to appease the discontent of one or two members of that body, and for no other purpose; and that his only doubt of the propriety of immediate and prompt action arose from a feeling of delicacy to his successor. Calhoun urged strongly the necessity of immediate action, and thought that no consideration of delicacy ought to stand in the way; and it was finally agreed that a cabinet meeting should be held on the day following, which was Sunday, the second of March. The whole cabinet concurred in the necessity of immediate action, although it was agreed that Calhoun should wait upon Polk and inform him of the President's views; and after the meeting of the cabinet Calhoun did wait on Polk, and reported that the President-elect declined to express any opinion or make any suggestion in reference to the subject.[1] Thereupon instructions were at once despatched to Donelson, the American representative in Texas, directing him to present to the Texan government, as the basis of admission, "the proposals contained in the resolution as it came from the House of Representatives." He was also directed to urge speedy action, for time was important, "and not a day ought to be lost."[2]

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[1] See Benton's *Thirty Years' View*, II, 636, where Tappan's letter is printed. Polk called on the members of his cabinet for their recollections of what passed at the time in question. His correspondence with Buchanan on the subject is in Moore's *Buchanan*, VIII, 208, 240. And see Polk's *Diary*, IV, 38–52, 186, 187.

Almonte, the Mexican minister in Washington, of course expressed himself in the most vehement manner against the joint resolution. The American government, he wrote, had now consummated an act of aggression, the most unjust which could be found recorded in the annals of modern history, namely, the despoiling a friendly nation of a considerable portion of her territory. For these reasons he solemnly protested against the law whereby the province of Texas, "an integrant portion of the Mexican territory," was admitted into the American Union; and he ended by demanding his passports.[3]

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[1] *Letters and Times of the Tylers*, II, 364. It is probable that Polk let it be tacitly understood he would approve. In his message to Congress the following December he said that his predecessor had elected to submit to Texas the first part of the joint resolution as an overture from the United States. "*This election I approved.*"

[2] Calhoun to Donelson, March 3, 1845; Sen. Doc. 1, 29 Cong., 1 sess., 32.

[3] Almonte to Calhoun, March 6, 1845; *ibid.*, 38.

But in spite of Almonte's protests the new American administration proceeded to carry forward, without hesitation or delay, the policy which Congress and the people of the country had sanctioned. President Polk had had no difficulty in making up his mind to adopt the action of his predecessor. He regarded thenceforward the annexation of Texas as a thing to all intents and purposes finished; and in his purpose to go forward at once with the plan of annexation, the new cabinet fully concurred.

Polk's Secretary of State was James Buchanan, of Pennsylvania, the son of an Ulster immigrant, and a man at this time fifty-four years old. He had been for several years in the House of Representatives, had been United States minister at St. Petersburg, had been three times elected to the Senate, and had been supported by his state for the Democratic nomination to the presidency. He was a lawyer by profession, a man of undoubted abilities, which were hampered through all of a long life by constitutional timidity and a lack of resolution or strength of will. But these defects in Buchanan's character were fully compensated by the dogged persistence and determination of the President. Polk, like many other Ulster Scots, had neither imagination nor a sense of humor; but in spite of these shortcomings he was an excellent administrator and the master of his cabinet,[1] and under him Buchanan became merely an instrument for carrying out the policies which were prescribed by the more determined and positive character of the President.

Calhoun had had hopes of being continued in his office as Secretary of State, but the offer was not made to him. What were Polk's motives can only be conjectured, for he left no record on that subject; but it is easy to see that a man of Calhoun's intense personality and determination, holding views so extreme, would have been a very troublesome member of the cabinet, unless the President were prepared to let him have his own way entirely in the conduct of his department. This Polk was certainly not ready to

[1] Schouler, IV, 497.

do, and he contented himself with offering Calhoun the position of minister to England, which Calhoun civilly declined.[1]

The new cabinet contained other men of wide experience and a high average of intellectual ability. Robert J. Walker, of Mississippi, who had been for years a member of the Senate, was Secretary of the Treasury. William L. Marcy, of New York, whose rugged strength of character and intellect has never received due recognition, a former governor of his state and a former member of the United States Senate, was Secretary of War. George Bancroft, of Massachusetts, who had just led a forlorn hope as candidate for governor of his state, was Secretary of the Navy. John Y. Mason, of Virginia, who had been successively Secretary of the Navy and Attorney-General in Tyler's cabinet, and was a college friend of the new President, was continued in his post; and Cave Johnson, of Tennessee, an active Democratic politician, was Postmaster-General.

Buchanan did not enter upon the duties of Secretary of State until the tenth of March, and his first act was to deal with the questions arising out of the joint resolution for the annexation of Texas. To Donelson, the American chargé d'affaires in Texas, he wrote that the President entertained "a clear and firm conviction that it would be inexpedient to reverse the decision of his predecessor," and he therefore confirmed the instructions sent by Calhoun on the third of March, and directed Donelson to exert all his ability and energy to obtain the acceptance of Texas, "without qualification of the terms and conditions proposed by the first two resolutions."[2]

To Almonte Buchanan wrote acknowledging receipt of his protest.

> "The admission of Texas," he said, "as one of the States of this Union, having received the sanction both of the legislative and executive departments of the government, is now irrevocably decided, so

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[1] Calhoun to Mrs. Clemson (his daughter), March 11, 1845; *Am. Hist. Assn. Rep.* 1899, II, 647.

[2] Sen. Doc. 1, 29 Cong., 1 sess., 35.

> far as the United States are concerned. Nothing but the refusal of Texas to ratify the terms and conditions on which her admission depends, can defeat this object. It is, therefore, too late at present to reopen a discussion which has already been exhausted, and again to prove that Texas has long since achieved her independence of Mexico, and now stands before the world, both *de jure* and *de facto*, as a sovereign and independent State amid the family of nations. Sustaining this character, and having manifested a strong desire to become one of the members of our confederacy, neither Mexico nor any other nation will have just cause of complaint against the United States for admitting her into this Union."

And he added the President's regrets that the government of Mexico should have taken offence at these proceedings, and his promise to use his "most strenuous efforts" for an amicable adjustment of every cause of complaint between the two governments.[1]

The government of Mexico, for whom these friendly assurances were intended, was, however, by no means ready to be so easily placated. The progress of the presidential election in the United States had been followed with close and painful interest, and the result had given rise to very serious talk as to the policy which Mexico ought to pursue, so that the new administration of Herrera found itself confronted at the outset of its existence by a very difficult problem, which it made a frank and honest effort to solve.

One of the first duties of Cuevas, the new Minister of Foreign Relations, was to draw up the annual report of his department for submission to Congress, and in this document, which was not submitted until March, he discussed at considerable length the question of Texas. He began by admitting with unusual frankness that the separation of Texas from Mexico was *de facto* complete. This separation, for which "our national disorders" were responsible, was actively supported by the American government, and recognized by the most powerful nations of Europe.[2] But the

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[1] *Ibid.*, 39.

[2] *Téjas se ha sustraido de hecho de la union nacional; y esta separación, de que son responsables nuestras revueltas nacionales, está apoyada decididamente por el gabinete de los Estados-Unidos, etc.*—(*Memoria de Relaciones*, 1845, 14.)

American government had gone farther, and had announced the policy of incorporating that territory in the American Union, and had even threatened to consider an attack upon Texas as an offence against itself. There were, therefore, two questions for Mexico to decide. The first was the independence of Texas, the second its annexation to the United States. It would be easy to continue the old policy of invoking public opinion and doing nothing effectual; but a responsible ministry was bound to consider the case fairly, and endeavor to ascertain the people's will before committing the people to costly sacrifices. The rights of the nation were unquestionable; but the nation must choose between a long and costly war on the one hand, and, on the other hand, an arrangement which, without injuring its good name, would afford it security for the future.

If internal order were fully established in Mexico, a war against Texas might have a certain and glorious result. But even in that case there would be serious difficulties. The population of Texas was entirely foreign. It had no sympathies with the Mexican nation. Its manners, its customs, and its political methods all exhibited the differences which existed between the Mexican and the American races. It was impossible to think of either annihilating the inhabitants of Texas or of compelling them to abandon the country. The most determined and disciplined army and the most prudent policy would not suffice to maintain Texas in a condition of peace and sincere union with the Mexican republic, so long as the influence of the present inhabitants of the department and the hostile tendencies of its neighbor continued.

On the other hand, "the difficulties which the recognition of Texan independence presents are not less serious, whether we consider the integrity of our territory, or the national honor, or the evils which may come to us from that part of our country,—as it will be a source of contraband trade and a constant threat to our frontiers and a support for the enterprising and ambitious policy of the United States." Mexico had pledged its word to recover Texas, but had made no "formal demonstration" since the first campaign. The loss of Texas would dismember the Mexican territory by abandoning one of its richest parts. An independent Texas would undoubtedly be the natural ally of the United States, would comply with all its exigencies, and would tend to injure Mexican commerce and impair Mexican order near the boundary.

The question under discussion, Cuevas continued, had acquired extreme importance because of the declared annexation policy of the government of the United States. The very existence of Mexico was involved in the question. The independence of Texas would be a misfortune, but its annexation to the United States might be fatal. The Mexican government therefore proposed to undertake a negotiation to fix definitely the relations between Mexico and Texas. What would be the basis of that negotiation, or the conduct of the government, it was not easy to indicate in advance, because it was hardly possible to foresee the events upon which these things must depend; but Congress might be sure that the government would do nothing that was not honorable to the country or in conformity with the sentiments of the two houses.

Thus far the Minister of Foreign Relations had written when, about the middle of February, 1845, the passage of the annexation resolution by the American House of Representatives became known in Mexico. The British minister who was consulted advised moderation and caution, and took occasion again to urge the acknowledgment of Texas. Cuevas replied that the proposition to recognize Texas would be instantly rejected by the Mexican Congress unless supported by both England and France. "I reminded his Excellency," reported Bankhead, "that any assistance from England must be a moral one, for whatever disposition may at one time have existed to go beyond that line, has now been withdrawn."[1] Cuevas waited some three weeks longer before submitting his report to Congress, and he then added to his first draft the following clause:

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[1] Bankhead to Aberdeen, March 1, 1845; J. H. Smith's *Annexation of Texas*, 420. Charles Bankhead, who was afterward minister to the United States, had arrived in Mexico as minister a year before, in March, 1844.

> "Since the foregoing was written, the government has received information that the project of annexation was approved in the House of Representatives of the United States by a majority of twenty-two votes. This project having been sent to the Senate, it now depends upon that body whether or no this iniquitous usurpation shall be carried further,—of which the world will judge with all that severity which unquestionable right, honorable policy, and an event unfortunate for Mexico and humanity, require."

The report of the Minister of Foreign Relations as thus amended was read in the Mexican Senate on March 11, and in the Chamber of Deputies on March 12, 1845, and although no action was taken by Congress at that time in regard to the recommendations concerning Texas, the effect upon public opinion must have seemed satisfactory to Cuevas, for within a week he authorized the British minister to say that Mexico was disposed to receive overtures from Texas with a view to recognition. This information Bankhead, on March 20, communicated to Captain Elliot, the British representative in Texas, adding that all the bravado of threatening hostilities meant nothing.[1]

The day after Bankhead sent off his message, news came that the American Senate had passed the joint resolution. The fact was announced by Almonte, who wrote from Washington on February 28, while a salute was being fired in honor of the passage of the resolution, and he informed his government that he intended to sail from New York in a few days.[2] Cuevas at once sent for Bankhead, who endeavored to calm his excitement; and later both the English and French ministers discussed the situation with him and strongly recommended moderation. On March 22, 1845, with these admonitions in his ears, he formally reported the fact to Congress. The proposition for the annexation of Texas, he said, had been accepted by the United States, and it was now necessary to interpose a barrier to the advance of their invading neighbor on the north; but he confined his comments to expressions of regret over "the criminal carelessness" with which former administrations had looked upon this affair at a time when resources were ample and opportunities were good for prosecuting a war—the direct result of past neglect being the consummation of this outrage and the difficulties of the times. A week later he addressed a note to the American minister in Mexico in grave and moderate terms.

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[1] Bankhead to Elliot, March 20, 1845; *ibid.*, 422.

[2] *Sec. de Rel. Ext. MSS.*

> "The undersigned," he wrote, "in addressing your Excellency for the last time, has the regret of informing him that as the law of Congress of the United States in regard to the annexation of Texas to its territory has been approved, and as the Mexican minister has retired from his mission and presented a protest against the act of Congress and the government of the United States, diplomatic relations cannot continue between the two countries. What can the undersigned add to that which has already been said by his government in regard to the grave offence inflicted by the United States upon Mexico by usurping a portion of its territory and violating the treaties of friendship which the republic on its part has observed as far as its honor will permit and the desire of avoiding a rupture with the United States? Nothing more than to lament that free and republican nations, neighbors worthy of a fraternal union founded in mutual interest and a common and noble loyalty, should sever their relations by reason of an event which Mexico has endeavored to forestall, but which the United States have carried through and which is as offensive to the first as it is unworthy of the good name of the American Union. The undersigned repeats to his Excellency, Mr. Shannon, the protest which has been presented against annexation, adding that the republic of Mexico will oppose it with all the earnestness which becomes its honor and sovereignty, and that its government trusts that that of the United States may more carefully weigh considerations of loyalty and justice than those of an increase of territory at the expense of a friendly republic, which, in the midst of its misfortunes, desires to preserve an unstained name and to deserve thereby the rank to which its destinies call it."[1]

The British and French ministers had seen this note and endeavored to moderate its tone before it was sent; and it was the subject of remark that, while war was threatened, the Mexican government did not reassert a claim to Texas.[1]

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[1] Cuevas to Shannon, March 28, 1845; Spanish text in *México á través de los Siglos*, IV, 538.

Shannon contented himself by replying that the United States, having tendered the olive branch to Mexico by assurances that annexation had been adopted in no unfriendly spirit, and being desirous of adjusting all questions, including that of boundary, on the most just and liberal terms, had done all that was possible. It now remained for Mexico to determine whether friendly relations should be preserved or not. For himself, he would await the arrival of official information from his government before taking any further steps.[2]

Official information, of a kind not very pleasant to Shannon, was in fact on its way. The American Secretary of State, two days before Shannon's last note to Cuevas, had written disapproving his course in regard to the Rejón correspondence of the previous October. The President, it was stated, was desirous of adjusting all questions in dispute between the two republics, for he did "not believe that any point of honor can exist between the United States and Mexico which ought to prevent him from pursuing a friendly policy toward that republic"; and under these circumstances it was apparent that some other person than Shannon would do better service. He was therefore recalled.[3] At the same time William S. Parrott was sent as a secret agent to Mexico, with instructions to try to convince the Mexican authorities that it was the true interest of their country to restore friendly relations; that the United States was prepared to meet Mexico in a liberal and friendly spirit in regard to all unsettled questions; and that a minister would be sent to Mexico as soon as assurances were given that he would be kindly received.[4] Parrott sailed from New York on the third day of April in the same ship with Almonte and his family,[5] and how he fared in his mission of peace will be seen in a later chapter.

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[1] J. H. Smith's *Annexation of Texas*, 422.

[2] Shannon to Cuevas, March 31, 1845; *State Dept. MSS.*

[3] Buchanan to Shannon, March 29, 1845; *ibid.*

[4] Buchanan to W. S. Parrott, March 28, 1845; Moore's *Buchanan*, VI, 132.

[5] Parrott to Buchanan, April 2, 1845; *State Dept. MSS.*

CHAPTER XXVII

TEXAS ENTERS THE UNION

ANSON JONES, the new President of Texas, was a native of the town of Great Barrington, in Massachusetts. He had been educated at the academy in the pleasant village of Lenox, and had left the Berkshire Hills to attempt mercantile pursuits. He had subsequently studied medicine in Philadelphia, graduating from the Jefferson Medical College in 1827. Six years later he landed at Brazoria, where he practised medicine. He was a surgeon in Houston's little army, and participated in the battle of San Jacinto, and from that time on was pretty constantly in public life under the republic of Texas. He was Texan minister to the United States under Lamar, and was Secretary of State through the whole of Houston's second administration. At the regular election in September, 1844, he was chosen President by a good majority, having the support of Houston and his friends. A sagacious, cool-headed man, of very moderate abilities, his temper was in rather striking contrast with that of so emotional and ill-balanced a nature as that of Houston. Chiefly, perhaps, for this reason, he conceived in later years a great hostility to Houston, which he gratified by the publication of letters and memoranda filled with bitterness against his former colleague. But it seems clear that, in 1845 at least, Houston professed none but friendly and even cordial feelings for the new President.

> "Houston," says Ashbel Smith, "stood a giant of power in the land—he stood by President Jones and on his strong arm Mr. Jones visibly leaned for support. President Jones's administration was in all its leading policy a continuation of the preceding administration of President Houston." [1]

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[1] Smith, *Reminiscences of the Texas Republic*, 69.

Jones had not been four months in office when the great responsibility of deciding the future of Texas—the choice between annexation, on the one hand, and independence and peace with Mexico, on the other—was laid upon him and the people of Texas. If, as he wished it to be understood, he had really so shaped his foreign policy as to secure simultaneous offers from rival suitors, he could not have managed better; but it may well be doubted whether he was capable of playing so deep a game, and whether he was not in reality being carried helplessly along upon confused currents which he had no power to control, and against which he could not swim.

Calhoun's instructions to the American chargé in Texas, directing him to submit the offer of annexation, reached Donelson late in March in New Orleans, where he had gone on leave of absence. He at once returned to his post, but he did not reach the Texan seat of government until the thirtieth of March, 1845. On his way he met the English and French representatives, who were returning to Galveston. He thought that they had not manifested much satisfaction at the result of their visit.[1] As a matter of fact, however, they had every cause for satisfaction, for they had just succeeded in concluding a most important arrangement with the President and the Secretary of State of Texas.

Elliot and Saligny had gone to the seat of government together in consequence of instructions from their respective governments, the origin of which was not without interest. It seems that William R. King, of Alabama, then American minister in Paris, had written home a rather effusive account of his reception by the French sovereign, and had quoted him as saying that France would take no steps which were in the slightest degree hostile, or which would give the United States the slightest cause of complaint. Calhoun chose to consider the remark as an assurance that France would not be a party to any attempt to induce Texas to withdraw her proposal for annexation, and upon that text he wrote a long denunciation of British policy and an enthusiastic eulogy of the system of negro slavery.[1]

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[1] Donelson to Buchanan, April 1, 1845; Sen. Doc. 1, 29 Cong., 1 sess., 47.

This document, upon which Calhoun evidently took great pains, was very injudiciously published as an annex to the President's message of December, 1844, and, reaching London about Christmas, produced most unchristian feelings in Lord Aberdeen's usually placid mind. He at once wrote to ask from the French government a clear explanation, and he received assurances in reply that France was disposed to second the views of England, and to act in accord with her in everything relative to Texas. Not content, as Aberdeen told the Mexican minister, with mere assurances and protests, he requested Guizot to make proof of his intentions by taking part in some act that would confirm his words, and he suggested a joint communication to Texas in favor of independence, thus destroying the impression which had been created by Calhoun's note.[2]

The formal protocol of the conference of March 30, 1845, between the Secretary of State of Texas and the representatives of England and France, accordingly stated that the chargés d'affaires of their Majesties the King of the French and the Queen of Great Britain had communicated instructions of their respective governments, dated the seventeenth and twenty-third of January, 1845, respectively, inviting the government of Texas to accept the good offices of France and England "for an early and honorable settlement of their difficulties with Mexico, upon the basis of the acknowledgment of the independence of Texas by that Republic"; that the Secretary of State had expressed the President's willingness to accept the intervention of the two powers; that "in view of the much more advanced condition of circumstances connected with the affairs of Texas" the President thought it urgently necessary that he should be enabled, as speedily as possible, to present to the people, for their consideration and action, decisive proofs that Mexico was ready at once to acknowledge the independence of the republic, "without other condition than a stipulation to maintain the same"; and that the government of Texas therefore proposed certain preliminary conditions to be submitted to Mexico, agreeing that if these were accepted a proclamation should be issued announcing the conclusion of the preliminaries of peace, and that Texas, for a period of ninety days from the date of the memorandum, would not "accept any proposal, nor enter into any negotiations to annex itself to any other country." It was further stated that if the people of Texas should decide upon pursuing the policy of annexation, in preference to the proposed arrangement with Mexico, then the government of Texas would so notify France and England, and be at liberty to consummate the national will.[1]

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[1] Calhoun to King, Aug. 12, 1844; Sen. Doc. 1, 28 Cong., 2 sess., 39 *et seq.*

[2] Tomás Murphy to Min. Rel., Jan. 18, 1845; *Sec. de Rel. Ext. MSS.*

Annexed to the protocol was a memorandum setting forth as follows the terms proposed by Texas as a basis for negotiations:

> "1. Mexico consents to acknowledge the independence of Texas.
>
> "2. Texas engages that she will stipulate in the Treaty not to annex herself or become subject to any country whatever.
>
> "3. Limits and other conditions to be matter of arrangement in the final Treaty.
>
> "4. Texas will be willing to remit disputed points respecting territory and other matters to the arbitration of umpires."

On the heels of this agreement came the information that Mexico had expressed a willingness to treat.

> "More good news!" Elliot wrote from Galveston on the third of April. "I have this day received despatches from Mr. Bankhead of the 20th ult., and a private letter of the 22nd ult., by her Majesty's ship 'Eurydice,' commanded by my cousin, Capt. Charles George Elliot. These tidings announce the cordial adhesion of the new Government to the favorable dispositions expressed by Gen. Santa Anna, communicated to you in our late instructions; and M. Alleye de Cyprie [Cyprey], the French Minister, has written in the same sense to de Saligny."[2]

Two days later Elliot was on his way to Mexico. He gave out at Galveston that he was going to Charleston,

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[1] Jones, 473–475.

[2] Elliot to Jones; *ibid.*, 441.

South Carolina, in H. M. S. *Electra*, and in the *Electra* he sailed; but out of sight of land he changed to the *Eurydice*, and arrived at Vera Cruz on the evening of the eleventh of April. The two Elliot cousins at once went in company to the city of Mexico, where the Texan proposals were laid before the ministers, by whom they were approved.[1]

On April 21, 1845, Cuevas laid the proposals before Congress. He began with the customary assurance (which could deceive nobody) that a considerable body of troops had been collected on the Texan frontier, and that they were ready to begin operations. But, he continued, circumstances had recently occurred which made it not only proper, but necessary, that negotiations should be undertaken to forestall the annexation of Texas by the United States, an event which would make war with the American republic inevitable.

> "Texas has just proposed an arrangement and his Excellency, the President *ad interim*, who, though strongly impressed with its importance and the urgency of adopting a definite resolution upon the subject, is persuaded that the Executive can do nothing in the matter without previous authorization of Congress. . . . He believes that in the present condition of the affairs of Texas he ought not to refuse the negotiation to which he has been invited, and that he should not vary from the obligation which he is under not to decide so delicate a point before it has been previously examined in the Legislative Body. . . . The preliminary propositions which Texas has submitted, present an agreement honorable and favorable to the Republic; and the government, without committing itself to anything, has not hesitated to accept them as a mere proposal for the formal agreement which is solicited. To refuse to treat upon the subject would be to decide the annexation of Texas to the United States, and Congress will at once notice that so ill-advised a step would constitute a terrible accusation against the present administration. To refuse to listen to proposals of peace that may lead to a satisfactory conclusion, and thus to bring about a result which is even less desirable for the republic, might be the more pleasing course for a justly irritated patriotism; but it would not be that which the nation has a right to

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[1] Everett reported that Elliot's going in person to Mexico was not in pursuance of instructions from the Foreign Office, and that Lord Aberdeen said that he was writing to Elliot disapproving his conduct in that respect.—(Everett to Buchanan, July 4, 1845; *State Dept. MSS.*)

expect from the Supreme Government—bound to foresee, to weigh and to avoid, the evils of a long and costly war, and not to subject itself to that calamity unless, in a crisis so grave as the present, honor can in no other manner be saved. In view of the foregoing, the President *ad interim*, by unanimous agreement of the council of ministers, directs me to submit the following resolution: 'The government is authorized to consider the propositions which have been made to it on the subject of Texas, and to proceed to make such agreement or to sign such treaty as he shall consider proper and honorable for the republic, rendering an account to Congress for its examination and approval.'"[1]

Writing from Mexico on the same day, April 21, Elliot informed President Jones that the first great difficulty was that the Mexican government had felt itself compelled to ask for the authority of Congress, inasmuch as the alienation of a part of the national territory was involved. That hard step had been taken, and the French and English ministers were of opinion that the government would never have risked an appeal to Congress unless they had felt sure of success. The French and English ministers had had a very difficult and delicate task, which had only been accomplished "by their hearty co-operation, and the exercise of great firmness, tempered by the utmost discretion and conciliatoriness of language."[2]

The Mexican Congress, however, was by no means in a hurry to act, and a refusal to approve the government proposals would have been supported by a section of the Mexican press. The four daily papers then published at the capital supported generally the Herrera government, but two semiweekly papers, *El Amigo del Pueblo* and *La Voz del Pueblo*, were in violent opposition. The country newspapers in general did nothing but repeat or comment upon the editorials and articles of the newspapers of the metropolis.

The chief ground of criticism had been the weak conduct of the government in dealing with the question of Texas; so that the news that the government was actually proposing to treat for the recognition of Texan independence was the signal for a general outbreak of the opposition papers.

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[1] *México á través de los Siglos*, IV, 539.

[2] Jones, 452.

"Extermination and death will be the cry of the valiant regulars and the citizen soldiery, marching enthusiastically to conquer Texas" was the key-note of a series of articles published in *La Voz del Pueblo*; and "death and extermination," in varying phrases, was the burden of the chorus throughout the country. "Such appeals as these were admirably calculated to excite the public they addressed, for they touched the springs of patriotism, pride, suspicion, jealousy, and conscious weakness."[1] In the face of this opposition, and of opposition in Congress, the Mexican ministry faltered, and it is probable that but for constant pressure from the British and French representatives the cabinet would have resigned, and the project of direct negotiation with Texas would have been given up. On the other hand, the government newspapers, and especially the *Diario* and the *Siglo XIX*, supported the project, to which seems to have been added the support of Almonte, who had by this time arrived from Washington.[2]

After three days of heated discussion the Chamber of Deputies, by a vote of 41 to 13, adopted the resolution proposed by the government. The Senate committee, to which the matter was referred, concurred, after a good deal of delay, in recommending its passage, and it was finally carried in the Senate by a vote of 30 to 6. Being signed by the President, it became a law on May 17, 1845.[3] Two days later Cuevas signed and delivered to the English and French ministers a paper in which he recited the receipt of the four preliminary propositions of Texas and the authority granted by Congress to hear the Texan propositions and declared—

> "that the Supreme Government receives the four articles above mentioned as the preliminaries of a formal and definitive treaty; and further, that it is disposed to commence the negotiation as Texas may desire, and to receive the Commissioners which she may name for this purpose."

At the same time Cuevas added an additional declaration, to the effect that besides the four preliminary articles proposed by Texas there were other essential and important points which ought also to be included in the negotiation; and that if for any reason the negotiation failed, then the answer given accepting the four articles proposed by Texas as the preliminaries of a treaty was to be considered null and void. Armed with this document and a letter from the French minister in Mexico addressed to the President of Texas, Elliot started back and reached Galveston on the thirtieth of May, 1845.[1]

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[1] J. H. Smith's *Annexation of Texas*, 426

[2] *Ibid.*, 430.

[3] Dublan y Losano, V, 17.

The moment Captain Elliot placed in the hands of President Jones the papers showing the action of the Mexican government, Jones issued a proclamation to the people of Texas, in which he recited the efforts he had made to secure an unconditional, peaceful, honorable, and advantageous settlement of their difficulties with Mexico. He announced that he had placed in the hands of the representatives of the British and French governments a statement of conditions preliminary to a treaty of peace, which he had agreed to submit to the people of Texas for their decision and action; that the Congress of Mexico had authorized their government to open negotiations and conclude a treaty with Texas; and he therefore made known these circumstances to the citizens of the republic, and declared and proclaimed a cessation of hostilities by land and sea.[2]

Thanks to the procrastination of the Mexican Senate this proclamation came too late. Whatever might have been its effect if it had been before the people a fortnight earlier, it could now produce none, for it was issued on the fourth of June, and on that same day the people of Texas voted for delegates to a national convention.

It is very likely that President Jones and many of the high officials in Texas would have preferred independence to annexation. To be at the head of an independent republic with an army and a navy and a diplomatic establishment of its own, must have seemed much more tempting to ambition than to manage the local affairs of a not very influential Southwestern state of the American Union. Jones himself was always cautious in his correspondence and conversation, but Elliot at any rate assumed that he himself and the President were of one mind in their hostility to the proposals of the United States. Writing from Galveston just as he was about to start for another visit to the United States, he offered his advice to the President.

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[1] For a detailed account of the negotiations leading to the Mexican declaration of a willingness to treat with Texas, reference may be made to J. H. Smith's *Annexation of Texas*, chap. XIX.

[2] Proclamation of June 4, 1845; Sen. Doc. 1, 29 Cong., 1 sess., 81.

> "I feel," he said, "that my continued presence in this country, under present circumstances, is rather hurtful than helpful. But if this crazy fit should pass away without overturning the nationality of the country, and with it the true and lasting interests of the people, Texas may depend upon the fast friendship and assistance of Her Majesty's Government. . . . Preserve the country, my dear sir, if you can, and with firmness, moderation, and prudence, (which you really possess in an eminent degree, most happily for these beguiled and bewildered people, more to be pitied than blamed), I have not lost all confidence that you will yet save them from what would be little short of their ruin." [1]

The American representatives in Texas also considered that Jones was very indifferent to annexation, or even hostile. Indeed, it was reported that he had had to be coerced into favorable action on the original project of a treaty of annexation.[2] And Terrell, an intimate friend of Jones's, who had succeeded Ashbel Smith as minister to England, openly avowed his opposition.[3]

As for Houston, he was never long of one mind, and as he was constantly agitated by nightmare fears of an invasion of Texas he could not be satisfied by evidence that nothing had occurred, or was likely to occur, to disturb the peace, or to lead to hostilities with Mexico.[4] "He showed considerable passion" in a conversation during the summer of 1844, which lasted several hours, and he expressed great dissatisfaction that stronger guarantees of protection had not been exacted from the United States.[1]

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[1] Elliot to Jones, June 13, 1845; Jones, 470.

[2] Murphy to Upshur, Feb. 22, 1844; *State Dept. MSS.*

[3] Donelson to Calhoun, Nov. 23, 1844; *ibid.*

[4] Murphy to Tyler, April 8, 1844; *ibid.*

The American government, however, realizing Houston's undeniable influence with the people of Texas, had constantly used all possible efforts to propitiate him. Howard, who was sent as chargé to Texas in the early summer of 1844, had been, as Houston himself said, "his particular friend" in early days in Tennessee; and Donelson, who succeeded Howard, was Jackson's nephew and private secretary. Jackson's name indeed carried the greatest weight with Houston, and Jackson was induced to write repeatedly, urging upon Houston the importance of annexation. Donelson, in a long and interesting conversation, told Houston that Jackson looked on the annexation of Texas as the great question of the day, and that he was anxious his old friend should show that he appreciated the great results which were to follow. Houston was represented as being unreserved and cordial, and determined to adhere to the cause of annexation so long as there was any hope of carrying it through. "I remained with the President," said Donelson, "nearly all night, there being nothing but a door to separate our apartments which are open log cabins."[2]

In the spring of 1845, after Houston had left the presidency, it was rumored that he might oppose the joint resolution. "His opposition," reported Donelson, "cannot defeat the measure if he does. Texas will be in a blaze of excitement, but it will be one in which American will triumph over foreign influence." Nevertheless, Donelson thought it expedient to go on a journey to visit Houston, and to attempt to gain him over. Houston was averse to the terms proposed in the joint resolution; he thought that the President of the United States should have resorted to negotiation; he objected to leaving the boundary question open. "I left him," reported Donelson, "under a full conviction that if the adoption of our proposals depended upon his vote it would be lost." But a few days later Houston's views had changed again. On reflection he thought Texas had better come into the United States on the terms offered her, rather than run the hazard of obtaining better by a new negotiation.[1]

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[1] Howard to Calhoun, Aug. 7, 1844; *ibid.*

[2] Donelson to Calhoun, Nov. 24, 1844; *ibid.*

After all, the decision of the question of annexation rested not with President Jones and his cabinet, nor with ex-President Houston, but with the people of Texas, and there was never much real doubt as to their earnest and all but unanimous desire for annexation. Donelson on his first arrival in Texas, at the end of 1844, had reported that the people were all in favor of annexation, but that speedy action was necessary. A month later he wrote that the delay in carrying through annexation had not changed public opinion, and that the measure would be ratified in Texas with great unanimity.[2] In the spring of 1845 the feeling was still stronger. Ashbel Smith, writing confidentially to President Jones from Galveston, reported that he had generally avoided conversation on this subject.

> "I find however," he said, "everywhere very great, *very intense* feeling on this subject; I quieted it as much as possible by stating that you would at no very distant period present this matter to the consideration and action of the people. I am forced to believe that an immense majority of the citizens are in favor of annexation—that is of annexation as presented in the resolutions of the American Congress—and that they will continue to be so, in preference to independence, though recognized in the most liberal manner by Mexico. This last opinion is, however, I know more doubtful. But I cannot be mistaken in the belief that the tranquillity at present arises from a confidence in your favorable dispositions toward annexation. . . . On looking over what I have written I find that I have understated rather than overstated the feeling on this subject."[3]

It was probably after receiving the foregoing letter that Jones took occasion to say to the American representative that while he was of the same opinion as General Houston, in his belief that the United States should have offered Texas more liberal terms, he would interpose no obstacle to their submission to Congress and the people; and Donelson thought that, though Jones had been represented as hostile to annexation, and as favoring the English and French projects, in reality he was not desirous of injuring the United States, but was simply faithful to his public duties as President, and anxious to secure the independence of Texas on the most favorable terms.[1]

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[1] Donelson to Calhoun, April 1, 1845; Donelson to Buchanan, April 12, 1845; Donelson to Buchanan, May 6, 1845; *ibid.*

[2] Donelson to Calhoun, Nov. 23 and Dec. 17, 1844; *ibid.*

[3] Smith to Jones, April 9, 1845; Jones, 446.

A few days later Donelson wrote privately to Calhoun that it was now a certainty that the measure of annexation would be consummated. There was some impression that Jones was "hostile to it, yet he never for a moment in any interview with me intimated a wish to interpose an obstacle to the judgment of the people." Houston, Donelson continued, had done all he could against the American proposals, but the people of Texas were holding public meetings and expressing their approbation "with a unanimity which no other debated question has ever received."[2] Again on May 6 Donelson wrote that he considered the question settled so far as Texas was concerned.[3] And to the same effect Wickliffe, of Kentucky, who was an unofficial American agent in Texas, wrote to Buchanan that the people of Texas regarded annexation as settled, and did not talk about it any more. The all-engrossing subject was the new state Constitution.[4]

The joint resolution for the annexation of Texas had rather clumsily provided that the territory rightfully belonging to the republic of Texas might be erected into a new state "with a Republican form of government, to be adopted by the people of said Republic, by Deputies in Convention assembled, with the consent of the existing government in order that the same may be admitted as one of the States of this Union." The functions of the proposed convention seemed, under this phraseology, to be limited to adopting a state constitution; and on the other hand it was a matter of some doubt whether the Texan Congress could be said to have any power to decree the end of the republic. Jones, therefore, hesitated as to the proper course to be pursued, but he ultimately decided to summon the Congress in special session (which was done by a proclamation issued April 15), and in addition, to summon a convention of the people (which was done by another proclamation dated May 5).

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[1] Donelson to Buchanan, April 12, 1845; Sen. Doc. 1, 29 Cong., 1 sess., 52.

[2] Donelson to Calhoun, April 24, 1845; *Amer. Hist. Assn. Rep.* 1899, II, 1029–1032.

[3] Donelson to Buchanan, May 6, 1845; Sen. Doc. 1, 29 Cong., 1 sess., 56.

[4] Wickliffe to Buchanan, May 6, 1845; extract in Curtis's *Buchanan*, I, 588. Wickliffe's instructions are printed in Moore's *Buchanan*, VI, 130. Ashbel Smith accused Wickliffe of inducing members of the Texan Congress to vote for annexation by lavish promises of river and harbor appropriations, as well as promises of office. Working in connection with him were ex-Governor Yell, of Arkansas, and Commodore Stockton, of the U. S. Navy.—(Smith, *Reminiscences of the Texas Republic*, 76.)

Once these matters were arranged Donelson had little to do. The State Department in Washington wrote to him that it was important to press for immediate action, but Donelson wrote back that he considered that question settled. He thought there might be some increase of the opposition when the project of independence was brought forward by Mexico, "but the opposition will be powerless compared with the mass of those who, proud of their kindred connection with the United States, are willing to share a common destiny under the banner of the stars and stripes." From this opinion Donelson never wavered, and he congratulated Buchanan "that this great question is advancing to its consummation with so much calmness and certainty, and with so much patriotic joy in the hearts of the brave and gallant Texans."[1]

In his message at the opening of the special session of Congress on June 16, President Jones very fairly laid before that body, for such action as it might deem suitable, the propositions which had been made on the part of the United States and of Mexico respectively, together with the correspondence between the several governments relating to these proposals. "The state of public opinion and the great anxiety of the people to act definitely upon the subject of annexation" had, he said, induced him to issue his proclamation recommending the election of deputies to a convention which, it was expected, would assemble on the fourth of July, the time fixed in the proclamation.

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[1] Buchanan to Donelson, April 28, 1845; Donelson to Buchanan, May 6, 1845; Sen. Doc. 1, 29 Cong., 1 sess., 40, 56.

> "To this Convention the question of annexation and the adoption of a State constitution will properly belong, they will determine the great question of the nationality of Texas as to them shall seem most conducive to the interest, happiness and prosperity of the people whom they will represent. It is important 'that the consent of the existing government' should be given to their exercising the powers which have been delegated to them, in order to comply with a requirement to that effect and the resolutions on the subject of annexation, passed by the American Congress. For this purpose, the present session of the Congress of the republic of Texas has been convoked."

The President then went on to say that he had the pleasure, in addition to presenting to Congress the American proposal concerning annexation, to inform them that certain conditions preliminary to a treaty of peace upon a basis of the recognition of the independence of Texas had been signed by the Mexican government on May 19, and had been transmitted through the French and British legations. These conditions would be laid before the Senate for their advice and consent. The President had made known to the people of Texas the fact of the Mexican willingness to treat, and at the same time he had proclaimed a cessation of hostilities. Texas, therefore, was now at peace with all the world; the alternatives of annexation or of independence were placed before the people; and their free, sovereign, and unbiased voice was to determine the all-important issue.

All-important this issue undoubtedly was, but it took Congress a very little while to make up its mind. On June 21 a joint resolution was adopted, formally consenting to the terms of the joint resolution of the American Congress, and approving the proclamation of the President for the election of deputies to a convention for the adoption of a constitution for the state of Texas. The vote was unanimous. In the Texan Senate the vote upon the preliminary treaty with Mexico was also unanimous in rejecting it.

The proceedings in the convention which assembled at Washington on the Brazos on the fourth of July were even more brief. A single day was consumed in the organization of the convention and the adoption of a resolution accepting annexation. There was no debate upon the subject, and, the vote being taken, it was fifty-five in favor and one against the ordinance. The single negative vote was cast by Richard Bache, of Galveston, a great-grandson of Benjamin Franklin; but Bache united with his colleagues in signing the ordinance, which was thus the unanimous act of the convention.

Mexico during all this while made no hostile move, and the Texan convention continued to sit peaceably, debating the terms of a state constitution, which was ultimately adopted by unanimous vote on August 28, 1845. This instrument followed the general form of constitutions throughout the United States. There was to be a governor and a bi-cameral legislature, to be chosen by a vote of free male citizens—excluding Indians not taxed, Africans, and descendants of Africans. There was to be a supreme court, district courts, and such inferior courts as the legislature might from time to time appoint. The judges of the supreme and district courts were to be appointed by the governor, by and with the advice and consent of two-thirds of the senate, and were to hold office for six years. The legislature was to have no power to pass laws for the emancipation of slaves without the consent of their owners, nor without payment of a full equivalent in money for slaves so emancipated; nor should the legislature have power to prohibit immigrants from bringing in their slaves, although it might pass laws against the importation of slaves "as merchandise only." The Constitution was to be submitted to the vote of the people on the second Monday of October, 1845, and at the same time a vote of the people was to be taken for and against annexation. If a majority of all the votes given was in favor of the Constitution, the President of Texas was to make proclamation of that fact, and notify the President of the United States. He was also to issue a proclamation requiring elections to be held on the third Monday in December for the choice of a governor, a lieutenant-governor, and members of the state legislature. The legislature was to meet as soon as the Constitution of the state of Texas was accepted by the Congress of the United States, whereupon two senators were to be chosen by the legislature, and provision was to be made for the election of representatives in Congress.

A number of intricate but relatively unimportant questions arose as to the legal status of Texas during the period between the acceptance of annexation on the fourth of July, 1845, and the completion of all the preliminaries; but these questions were eventually disposed of, and on February 16, 1846, J. Pinckney Henderson was inaugurated governor, and a month later Sam Houston and Thomas J. Rusk took their seats in the Senate of the United States.[1]

The annexation of Texas to the United States, which had been the cause of so much discussion, and had excited so many jealousies within the United States and Mexico, not to speak of England, was thus irrevocably completed. The success of the negotiation had not indeed been in serious doubt for a moment since Polk's inauguration, and his cabinet, from the very day it first met, was free to consider the consequences of annexation and the next step to be taken. What Mexico might choose to do about it was of no consequence whatever. She had failed to reconquer Texas during the nine years that Texas stood alone, and she was too plainly devoid of military power, either by sea or land, to regain her lost province now that it was incorporated with the United States. She would doubtless threaten war, but without allies it was impossible for her to make effective war.

For the American government, therefore, the question of Texas was settled and done with from the spring of 1845. There was no fear of serious Mexican aggression; and if the question of Texas had stood alone, affairs with Mexico might very well have been left to settle themselves. But the Texan question by no means stood alone. The unpaid claims of American citizens against Mexico constituted a very substantial and very real grievance which remained to be disposed of, along with the adjustment of the new boundary. Here, it was hoped, was a lever which might serve to move the Mexican government to make territorial concessions, precisely as Spain had been moved twenty-six years before to yield the Floridas. A settlement of the spoliation claims and an adjustment of a disputed boundary, by yielding all the peninsula of Florida, were what Monroe had obtained from the Spanish monarchy. It was a precedent complete in all particulars, and Polk looked to make a similar bargain, only this time there was to be a surrender of land on the shores of the Pacific Ocean. His ambitions did not concern themselves any longer with Texas. That had been acquired by his predecessor. What he looked to was California.

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[1] For details as to the hesitation and final action of the Texan government, and the delays in the consummation of annexation, see J. H. Smith, *Annexation of Texas*, 432–468.

Nearly forty years after Polk was in his grave George Bancroft related how, when they were alone together in the early days of the administration, Polk had laid down the four great measures he proposed. They were:

1. A reduction of the tariff.
2. The independent Treasury.
3. The settlement of the Oregon boundary question.
4. The acquisition of California.[1]

How far the memory of a man of nearly ninety could be trusted to relate correctly a conversation which, in the light of subsequent events, looked astoundingly like prophecy, is no doubt a question; but that Polk from an early period in his presidency was casting about for means to acquire California, abundantly appears from contemporaneous evidence. And it is also apparent that in this he was far in advance of the public opinion of his time. California had not yet been mentioned in general political discussion, it had attracted little attention in Congress or in the newspapers, and it had furnished no plank for party platforms.

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[1] Schouler, IV, 498. Six months before the inauguration the acquisition of California formed no part of Polk's programme. In September, 1844, he told Francis W. Pickens, of South Carolina, that, if elected, he was determined to reduce the tariff of 1842, to introduce strict economy, and to acquire Texas "at all hazzards." This was not at all the programme as related by Bancroft. See Pickens to Calhoun, Sept. 9, 1844; *Amer. Hist. Assn. Rep.* 1899, II, 969.

But almost silently the impressive phenomenon of emigration on a large scale had begun. Hundreds of toiling wagons and thousands of men, women, and children had already marked out the rough highway which led from the head-waters of the Platte to the meadows of Oregon, or thence southward, across the Mexican frontier, to the valley of the Sacramento. The Democratic convention, with a keen appreciation of a spirit that was beginning to stir the nation, had confidently put forward a demand for "the whole of the territory of Oregon"; and Western expansion was a policy that no administration could have ignored.

To this policy Polk and his cabinet chiefly addressed themselves, and the topics with which American diplomacy was now most concerned related, directly or indirectly, to Oregon and California, the former involving the relations of Great Britain, and the latter those of Mexico, with the United States.